

Workforce Innovation and Opportunity Act (WIOA) Adult & Dislocated Worker Programs

Section 2-0: WIOA PROGRAMS

Provides workforce development activities that increase employment, retention, and earnings of participants and that increase postsecondary credential attainment and as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet skill requirements of employers, and enhance productivity and competitiveness of the nation

Section 2-1: *AMERICAN JOB CENTER PROCEDURE FOR REFERRALS*

Process to refer visitors and callers of the American Job Center to the WIOA programs. Referral to the WIOA Adult and Dislocated Worker programs can be from several different sources.

Referral Sources:

- **Walk-In Inquiries:** Individuals who walk into the AJC resource room and inquire about training are provided the Adult/Dislocated Flyer which includes contact information and encouraged to complete a WIOA Pre-Application in the NEworks system. The resource staff will contact Talent Development Specialist. If a Talent Development Specialist is available, they will speak with the individual. They will provide information on what is required for them to apply to the program and invite them to the next scheduled orientation.

If Talent Development Specialist are unavailable, resource staff will give a business card to the potential applicant, and direct them to call or email the Talent Development Specialist.

- **Referrals from NEworks:** NEworks referrals are delivered by email directly to Talent Development Specialist. Talent Development Specialist will call and email referral and invite them to complete a WIOA Pre-Application through NEworks and invite them to the next scheduled orientation.
- Pre-Applications through NEworks are printed off by the TALENT DEVELOPMENT SPECIALIST. Age is checked and if 24 years old or younger the name and contact information is provided to a Youth Talent Development Specialist. If 25 years old or older, the name and contact information is provided to an Adult Talent Development Specialist. Depending on staff availability, calls or emails are returned by a Talent Development Specialist within two business days

Section 2-2: *WIOA Eligibility Requirements & Determination*

Eligibility for services relates to local determinations about the individual's need for and ability to benefit from services. Registration is the process of collecting information to support a determination of eligibility. This information may be collected through methods that include electronic data transfer, personal interview, or an individual's application. A WIOA participant is an individual determined to be eligible to participate and who receives one or more

WIOA-funded service(s) in the Greater Lincoln American Job Center.



The WIOA Application must reflect the date the form is completed online in NEworks. The WIOA Application Date is the date when the WIOA Application is created. When entering it on NEworks, it cannot be a date in the future. The WIOA Participation Date is the date following a determination of eligibility (when necessary) to participate in the program when the individual begins receiving a service funded by the program. It counts as the official point when the participant begins counting in performance measures. Under this policy, if over 90 days elapse between the WIOA Application Date and the WIOA Participation Date, then the application will be closed. The signature and date of the talent development specialist on the registration form means that the talent development specialist has reviewed the registration information, made a determination

of eligibility, and indicated that the individual is eligible or ineligible. ResCare staff verifying and documenting participant eligibility shall identify acceptable eligibility documentation. All eligibility documentation must be retained in the participant's e-file in NWorks, and ECM.

Section 2-3: *United States v. Windsor*, 133 S. Ct. 2675 (2013), Opinion on Eligibility and Services provided under Workforce Grants Administered by the Employment and Training Administration (ETA)

Eligibility for the WIOA Title I services incorporates the definition of family where low-income priority of service is a consideration. Consistent with the ETA's policy, same sex spouses are included within the definition of family. Family is defined in 20 CFR 675.300 as:

Family means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- (1) A married couple and dependent children;
- (2) A parent or guardian and dependent children; or
- (3) A married couple.

A displaced homemaker is an individual who has been providing unpaid services to family members in the home and who (1) has been dependent on the income of another family member but is no longer supported by that income, or (2) is the dependent spouse of a member of the armed forces in active duty and whose family income is significantly reduced because of deployment, a call or order to active duty, a permanent change of station, or the service connected death or disability of the member, and (3) is unemployed or under-employed and is experiencing difficulty in obtaining or upgrading employment.

Refer to Section 3(16) of the WIOA for the legal definition of displaced homemaker.

These definitions are used in the WIOA Title I Adult and Dislocated Worker programs. Consistent with the ETA's policy, both genders are included as "homemakers" and same-sex married couples are included within the word "family." Interpreting the word "family" in the term "family member" to include a same-sex spouse could result in previously non-qualifying individuals now qualifying as displaced homemakers.

Non-discrimination provisions that apply to the public workforce system prohibit discrimination on the basis of sex, among other basis. Although gender identity is not an explicitly protected basis under the applicable federal laws, discrimination based upon gender identity, gender expression, and sex stereotyping has been interpreted to be a form of prohibited sex discrimination, including under laws that apply to federally-assisted employment, training, and education programs and activities. One-Stop centers should ensure that they are providing equal access to services.

References

The WIOA Section 3(16)

29 CFR, Part 38 – Implementation of the Non-Discrimination and Equal Opportunity Provisions of the Workforce Investment Act

Training and Employment Guidance Letter (TEGL) 26-13 – Impact of the U.S. Supreme Court's Decision in the *United States v. Windsor* on Eligibility and Services Provided under Workforce Grants Administered by the Employment and Training Administration

TEGL 37-14 – Update on Complying with Non-Discrimination Requirements: Discrimination Based on Gender Identity, Gender Expression, and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce System

Section 2-4: WIOA Title I Adult Eligibility Requirements

To be eligible to participate in the WIOA Title I Adult program, that is, to receive **individualized career services**, and to meet the eligibility requirements for training services, the individual must:

- 1) Be a citizen of the United States (U.S.) or an eligible non-citizen, and
- 2) Be registered with Selective Service (if applicable), and
- 3) Be 18 years of age or older.

Under the WIOA Section 134(c)(3)(A), **training services** may be made available to employed and unemployed adults who are registered and meet the following additional requirements:

- a. WIOA TDS staff determines if, after an interview, evaluation or assessment, and career planning, the participant:
 - (1) Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher wages than wages from previous employment through career services;
 - (2) Is in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - (3) Has the skills and qualifications to participate successfully in training services.
- b. The participant has selected a program of training services that is **directly linked to the employment opportunities** in the local area or planning region, or in another area to which the individual is willing to relocate:
 - (1) In alignment with the WIOA requirements, statistical information on industry and occupational projections must be provided and given strong consideration when determining training. This would include the provision of accurate information relating to local, regional, and national labor market areas, including information relating to local occupations in-demand (In-Demand Occupations) and the earnings and skill requirements for such occupations.
- c. The participant is unable to obtain grant assistance from other sources to pay the cost of such training, including such sources as state-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants established under Title IV of the Higher Education Act of 1965, or requires the WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants; and
- d. If training services are provided through the WIOA Adult program, the participant has been determined eligible in accordance with the state and local priority system, if any, in effect for adults under the WIOA.

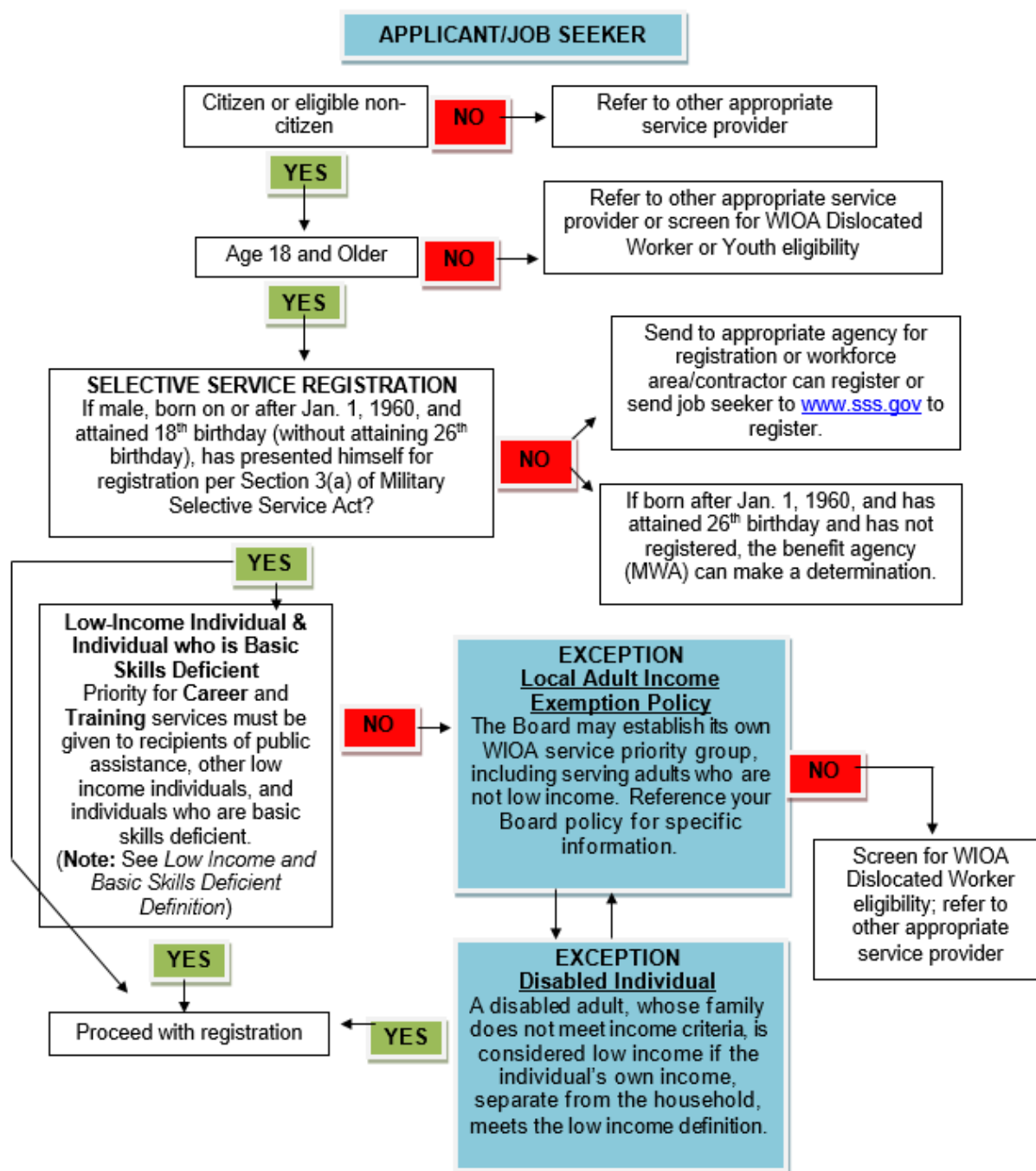
An individual must, at minimum, receive either an interview, evaluation or assessment, and career planning, or any other method through which the One-Stop operator or partner can obtain enough information to make an eligibility determination to be eligible for training services. Where appropriate, a recent interview, evaluation, or assessment may be used.

The case file must contain a determination of the need for training services as determined through the interview, evaluation, or assessment, and career planning or any other career service received.

As a reminder, the determination of the need for training services must be documented as part of the participant's Individual Employment Plan and/or case notes.

The WIOA ADULT Eligibility Flowchart

WIOA Manual



References

The WIOA Section 134(c)(3)(A) & (B)

The WIOA Final Rules and Regulations 20 CFR:

20 CFR 680.210

29 CFR 680.220

TEGL 11-11 – Selective Service Registration Requirements for Employment and Training Administration

Funded Programs

[Higher Education Act of 1965](#) (Public Law [PL] 89-329, as amended through PL 113-67, December 26, 2013)

Section 2-5: The WIOA Title I Dislocated Worker Eligibility Requirements

To be eligible for participation in the WIOA Title I Dislocated Worker program, that is, to receive career services, and to meet the eligibility requirements for training services, the participant must:

- 1) Be a citizen of the U.S. or an eligible non-citizen, and
- 2) Be registered with Selective Service (if applicable), and meet the requirements of one or more of the following criteria:

(A) Has been terminated or laid off, or who has received a notice of termination or layoff from employment; -AND-

i. (I) Is eligible for or has exhausted entitlement to unemployment compensation; -OR-

ii. (II) Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a One-Stop center, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under state unemployment compensation law; -AND-

iii. Is unlikely to return to a previous industry or occupation ;

(B) i. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of or any substantial layoff at a plant, facility, or enterprise; -OR-

ii. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; -OR-

iii. Is employed at a facility at which the employer has made a general announcement that such facility will close with no date given;*

* For purposes of eligibility to receive services other than training services, career services, or support services.

(C) Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

(D) Is a displaced homemaker; OR-

(E) i. Is the spouse of a member of the Armed Forces on active duty and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member OR-

ii. Is the spouse of a member of the Armed Forces on active duty and whose family income is significantly reduced because of a deployment, a call or order to active duty pursuant to a provision of law, a permanent change of station, or the service connected death or disability of the member AND-

iii. is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

In order to further clarify the definition of a dislocated worker, the WIOA Final Rule at 20 CFR 680.130(b) allows for local areas to create policies to define terms such as “general announcement” of a plant closing consistent with the WIOA Section 3(15)(B)(ii) or (iii), “unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters,” and “unlikely to return to a previous industry or occupation” under the WIOA Section 3(15)(A)(iii) consistent with 20 CFR 680.660. Local areas may also develop policies for determining the eligibility of self-employed individuals, including family members and farm workers or ranch hands under the WIOA Section 3(15)(C). Additionally, states and local areas should note that the definition of Dislocated Workers must include separating service members as further described under 20 CFR 680.660.

Exception for Receiving the WIOA Dislocated Worker Services

A participant who is a citizen of the U.S., or an eligible non-citizen, registered with Selective Service (if applicable), and employed at a facility for which the employer has made a general announcement that such facility will close, is eligible to receive services other than career services, training services, or supportive services.

To receive additional services, a copy of the public announcement, such as a press release, Worker Adjustment and Retraining Notification (WARN), newspaper article, or other written notification issued to the general public by an employer that states that a specific facility will be closed and that the worker was employed at the facility when the announcement was made should be provided.

Under the WIOA Section 134(c)(3)(A), **training services** may be made available to employed and unemployed dislocated workers who are registered and meet the following additional requirements:

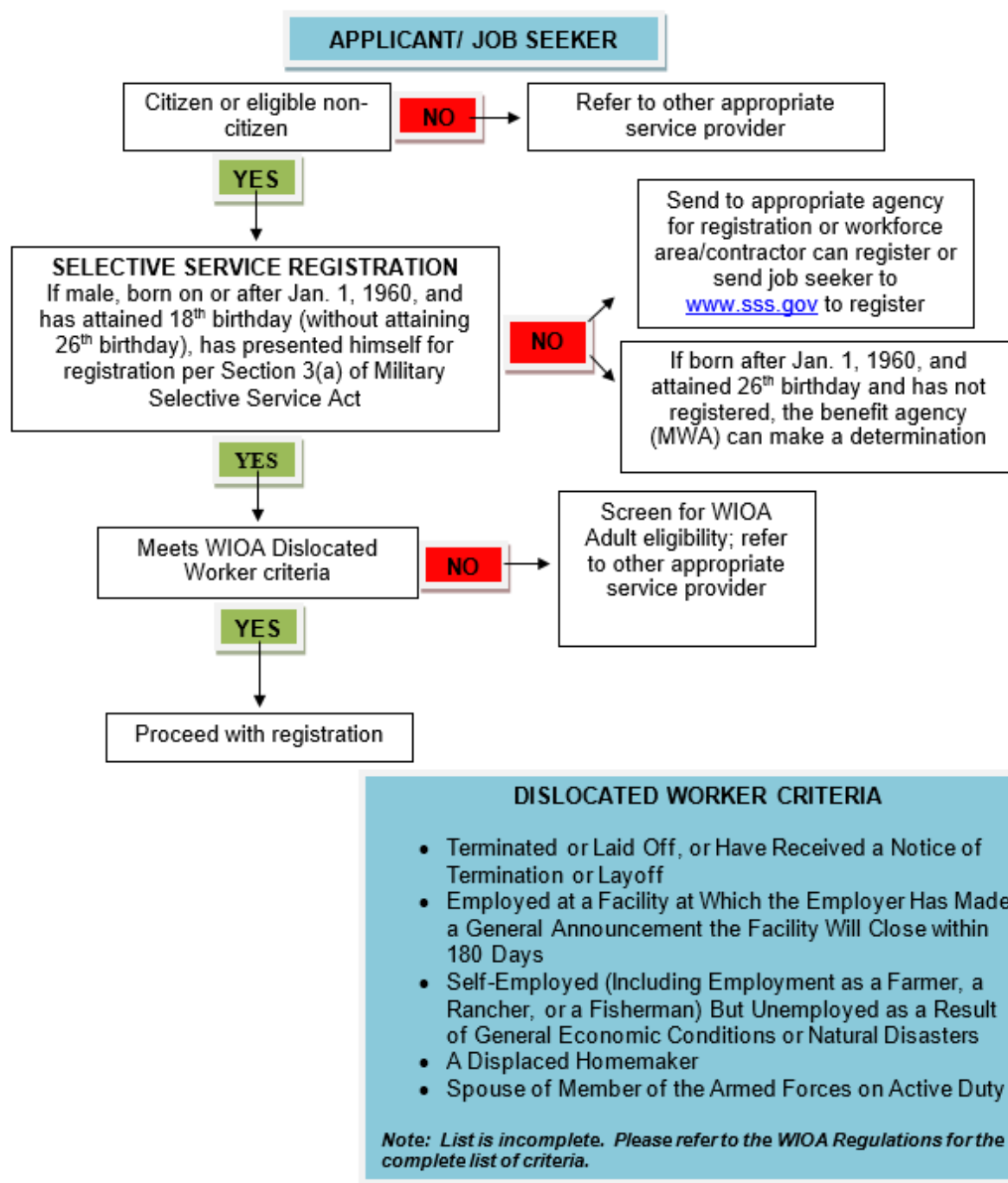
- a. A One-Stop operator or One-Stop partner determines, after an interview, evaluation or assessment, and career planning the participant:
 - (1) Is unlikely or unable to obtain or retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services;
 - (2) Is in need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment; and
 - (3) Has the skills and qualifications to participate successfully in training services.
- b. Has selected a program of training services that is **directly linked to the employment opportunities** in the local area or planning region, or in another area to which the individual is willing to relocate;
 - (1) In alignment with the WIOA requirements, statistical information on industry and occupational projections must be provided and given strong consideration when determining training. This would include the provision of accurate information relating to local, regional, and national labor market areas, including information relating to local occupations in-demand (Key-Demand Occupations), and the earnings and skill requirements for such occupations.
- c. Is unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as state-funded training funds, Trade Adjustment Assistance, and Federal Pell Grants established under Title IV of the Higher Education Act of 1965, or requires WIOA assistance in addition to other sources of grant assistance, including Federal Pell Grants.
 - (1) Veterans Affairs (VA) benefits for education and training services do not constitute “other grant assistance” under the WIOA’s eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran’s eligible spouse from receiving the WIOA-funded services, including training funds. Similarly, the WIOA program operators may not require veterans or spouses to exhaust their entitlement to the VA-funded training benefits prior to allowing them to enroll in the WIOA-funded training.

An individual must, at a minimum, receive either an interview, evaluation or assessment, and career planning, or any other method through which the One-Stop operator or partner can obtain enough information to make an eligibility determination to be eligible for training services. Where appropriate, a recent interview, evaluation, or assessment may be used.

The case file must contain a determination of the need for training services as determined through the interview, evaluation, or assessment, and career planning or any other career service received.

As a reminder, the determination of the need for training services must be documented as part of the participant’s Individual Employment Plan and/or case notes.

The WIOA DISLOCATED WORKER Eligibility Flowchart



Note: WIOA does not impose income level standard criteria on dislocated workers.

Section 2-6:

Documentary Evidence to Substantiate Program Eligibility

Local areas are required to verify eligibility through an examination of documents.

- For all WIOA formula funding streams, physical evidence is required to be in participant files to minimize the risk of disallowed costs.

- Self-attestation is acceptable for some data elements, but it still must be recorded. Note: Self attestation may be used to verify zero income, but not to attest to an income amount greater than zero.

For **all** participants, the following items must be verified and documented:

- Age/Date of Birth.
- Employment Authorization.
- Selective Service Registration for Males.
- Social Security Number.

Additional documentation, as appropriate, is required for the following:

- Low Income Individual.
- Family Income.
- Cash Public Assistance.
- Other Public Assistance (Food Assistance, Refugee Assistance).
- Supplemental Security Income.
- Social Security Disability Income.
- Homeless Individual.
- Disabled Individual.
- Dislocated Worker Criteria, including Date of Dislocation.
- Termination/Layoff.
- Plant Closure/Substantial Layoff.
- Self-employed, but now Unemployed.
- Displaced Homemaker.

The federal Data Report and Validation System requires that ResCare will be able to verify a participant's information. ResCare staff must be able to substantiate, with documentation, the participant's information. All documents must be uploaded into the ECM system for each participant. In the event of Priority of Service, documentation of a participant's given priority should be kept in the individual's efile.

Verification vs. Documentation

Verification means to confirm an eligibility requirement through examination of official documents.

Documentation means to maintain on file physical evidence which is obtained through the verification process, including written confirmation by an authorized agency or organization of one or more WIOA eligibility criteria, and which reflects the individual's status as of the date of registration for such eligibility criteria.

All participant records and supporting documentation must be in compliance with [federal, state and GLWDB regulations and policies pertaining to record retention requirements](#).

ResCare staff must use NEworks and ECM systems to store supporting documentation.

- For local area staff using NEworks, the following records and data are captured and stored exclusively in NEworks and ECM:
- Program applications;
- Eligibility determinations;

- Participant enrollments;
- Exits and follow-ups;
- Case notes; and
- All other information relevant to program activities.

Electronic case notes add context to elements in the electronic case file that are not clearly evidenced, such as participant enrollment activities and consultation activities regarding training. Case notes must be directly related to and are necessary supplemental information that support employment and training services provided to the participant. If a program activity is planned to last more than one (1) day, the TDS must document actual service delivery in case notes.

Section 2-7: DETERMINING A LOW INCOME INDIVIDUAL

A low income individual is defined as meeting at least one of the following criteria:

1. Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the program of block grants to States for temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or the supplemental security income established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or State or local income-based public assistance;
2. Is in a family with total family income that does not exceed the higher of (in the six months prior to the registration date): The poverty line, for an equivalent period; or 70 percent of the lower living standard income level, for an equivalent period (see income chart below).

Income guidelines for determining income-based program eligibility for WIOA Title IB youth and adult programs, Published 5/1/2020.

Size of Family	Nebraska non-metropolitan areas	Omaha–Council Bluffs MSA ³	Lincoln MSA ⁴	Grand Island MSA ⁵	Sioux City MSA ⁶
1	\$12,760	\$12,760	\$12,760	\$12,760	\$12,760
2	\$17,240	\$17,240	\$17,240	\$17,240	\$17,240
3	\$21,720	\$22,451	\$22,451	\$22,451	\$22,451
4	\$26,553	\$27,716	\$27,716	\$27,716	\$27,716
5	\$31,342	\$32,706	\$32,706	\$32,706	\$32,706
6	\$36,652	\$38,257	\$38,257	\$38,257	\$38,257
7 or more	add \$5,310 for each additional person	add \$5,551 for each additional person	add \$5,551 for each additional person	add \$5,551 for each additional person	add \$5,551 for each additional person

3. Is a homeless individual (as defined in section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2(6))), or a homeless child or youth (as defined under section 725(2) of the McKinney-

Vento Homeless Assistance Act (42 U.S.C. 11434a(2)));

4. The Participant receives or is eligible to receive a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

Note: This does not apply if the participants children receive free an reduced lunch.

5. Is a foster child on behalf of whom state or local government payments are made; or

Is an individual with a disability whose income meets the income requirement of (2), but who is a member of a family whose income does not meet this requirement.

Section 2-8: Citizenship Status/Employment Authorization

Participation must be available to U.S. citizens and U.S. nationals, lawfully admitted permanent resident aliens, refugees, asylees, and other foreign nationals authorized by the Attorney General to work in the. United States. Applicants must be informed that to be considered eligible for the WIOA program, he/she must attest that he/she is a U.S. citizen or a qualified alien. If the applicant does not agree to attest their status, the file will be closed as never enrolled. If they are a qualified alien, they must provide an alien number and a copy of their documentation that documents the Alien ID number.

Determining eligibility for Nebraska WIOA benefits it is **required** to:

- 1. Provide approved INS document. The documents must be copied front and back and included in efile.
- 2. Each applicant complete U.S. Citizen or Qualified Alien Self Attestation Form to verify, and that he or she is a U.S. citizen or a qualified alien. If the applicant cannot self attest that they are a U.S. citizen or qualified alien, the application must be closed.
- 3. The copies of the INS document and Citizen Self Attestation must be submitted for a SAVE (Systematic Alien Verification for Entitlements) Program operated by the U.S. Department of Homeland Security. The SAVE request must be submitted to the City of Lincoln, Finance Department in the Accounting Division by email to Seth Wilson at SWilson@lincoln.ne.gov.

When an employer certifies the I-9 Form, the employer is attesting that the individual is eligible to work in the U.S. and that the documents presented appear to be genuine and relate to the individual.

Employers cannot specify which documents they will accept from an employee. The completion of (and the employer's certification of) the I-9 Form serves as verification of the individual's employment authorization.

The acceptable verification documents that satisfy (1) List A (which establishes identity and employment eligibility); OR (2) List B (establishes identity) AND List C (establishes employment eligibility) of the I-9 Form are presented to the employer and may be used as acceptable documentation for the Adult and Dislocated Worker programs.



Note: The I-9 Form may be particularly useful in determining eligibility for individuals enrolled in Incumbent Worker Training activities.



For additional information regarding acceptable documents to satisfy employment authorization requirements, refer to the ***INS LIST OF ACCEPTABLE DOCUMENT AND HOW DO I KNOW IF AN IMMIGRANT OR REFUGEE IS ELIGIBLE FOR WIOA TITLE 1 SERVICES.***

When determining citizenship, individuals meeting the requirements set forth in TEGL 02-14 are granted relief under the Deferred Action for Childhood Arrivals (DACA) initiative with respect to employment authorization documents (employment authorization).

The WIOA Section 188(5) contains a specific nondiscrimination provision that provides participation under the WIOA is available to citizens and nationals of the U.S.; lawfully admitted permanent resident aliens, refugees, asylees and parolees; and other immigrants authorized by the Attorney General to work in the U.S. Individuals with employment authorization qualify under this provision as “immigrants authorized by the Attorney General to work in the U.S.” Therefore, DACA participants with employment authorization may access any WIOA services for which they would otherwise qualify. Appropriate documentation of employment authorization must include self-attestation, at a minimum.

The TEGL continues to apply to all programs under the WIOA, including Adult, Dislocated Worker, and Youth formula programs, National Dislocated Worker Grants, and Section 167 National Farmworker Jobs Programs. State Workforce Agencies and the WIOA grant recipients must have policies and procedures in place to ensure the provision of career and/or training services to DACA participants who have employment authorization. The appropriate method of verifying an applicant’s employment authorization will depend upon the requirements and needs of the particular program, including but not limited to the:

- Nature of the benefits to be provided.
- Need for benefits to be provided on an expedited basis.
- Length of time during which benefits will be provided.
- Cost of providing the benefits.
- Length of time it will take to verify based on a particular method.
- Cost of a particular method of verification.

Section 2-9 Selective Service

The RWS staff disbursing services or benefits have the responsibility for determining Selective Service status and eligibility for services or benefits on a case-by-case basis.

Every male citizen, and every other male residing in the U.S., must register with the Selective Service System (SSS) between their 18th and 26th birth dates. Men born on or after January 1, 1960, are required to register with Selective Service within 30 days of their 18th birthday. Further:

- Late registration is accepted by the SSS.
- Registration can be completed at any classified U.S. Post Office during normal business hours.

This includes males who are:

- U.S. citizens.
- Non-citizens, including illegal aliens, legal permanent residents, seasonal agricultural workers, and refugees who take up residency in the U.S. before their 26th birthday.
- Dual nationals of the U.S. and another country regardless of whether they live in the U.S.

For U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Men who are serving in the military on full-time active duty.
- Men attending service academies.
- Disabled men who are continually confined to a residence, hospital, or institution.
- Men who are hospitalized, institutionalized, or incarcerated are not required to register during their confinement; however, they must register within 30 days after being released if they have not yet reached their 26th birthday.

For Non-U.S. citizens, Selective Service registration is not required if the man falls within one of the following categories:

- Non-U.S. male who came into this country for the first time after his 26th birthday. Acceptable forms of documentation include:
 - Date of entry stamp in his passport.
 - I-94 with date of entry stamp on it.
 - Letter from the U.S. Citizenship and Immigration Services indicating the date the man entered the U.S. presented in conjunction with documentation establishing the individual's age.
- Non-U.S. male who entered the U.S. illegally after his 26th birthday. He must provide proof that he was not living in the U.S. from ages 18 through 25.
- Non-U.S. male on a valid non-immigrant visa.



This list is not intended to be exhaustive. Please visit the [Selective Service System website](#) for more information about the Selective Service registration requirement. The SSS also has a [quick reference chart](#) showing who must register.

Registration for Selective Service can be accomplished in four ways:

- Complete a form at the post office.
- Go to an armed forces recruiting station.
- Go online at the [Selective Service System website](#), **OR**
- Call 847-688-6888 between the hours of 9:00 a.m. to 4:30 p.m. Eastern Standard Time. Have the registrant's date of birth and social security number available.



Selective Service [registration can be verified online](#). You will need the individual's name, date of birth, and social security number.



TEGL 11-11 requires that grantees, sub-grantees, or contractors set a policy for potential participants who are males 26 years old or older that failed to register with the Selective Service System. The policy may either: 1) [Request a Status Information Letter](#) from a potential participant before making a determination of knowing and willful failure to register; **or** 2) Initiate the process to determine if the potential participant's failure to register was knowing and willful without first requesting a Status Information Letter.

As a reminder, Status Information Letters are not required of men born before 1960.

Section 2-10 Determining, Knowing, and Willful Failure to Register

If the individual was required, but failed, to register with the SSS as determined by the Status Information Letter or by his own acknowledgement, the individual may only receive services if he can establish by a preponderance of the evidence that the failure to register was not knowing and willful. The RWS TDS staff are responsible for evaluating the evidence presented by the individual and determining whether the failure to register was a knowing and willful failure. If the TDS determines that the individual's failure to register was knowing and willful, the WIOA services must be denied. Individuals denied services must be advised of the available WIOA grievance procedures.

Section 2-11 Veterans Priority of Service

In general, a veteran is an individual who served in the active military, naval, or air service and was discharged or released from such service under conditions other than dishonorable. This may include National Guard or Military Reserve members who have been discharged from active duty service, but not necessarily from other reserve commitments such as training.



The workforce system and other program operators must enable veterans and eligible spouses to identify themselves at the point of entry to the system or program, and veterans and eligible spouses must be given the opportunity to take full advantage of the priority. The status of a veteran or eligible spouse can be verified by referring to a variety of documents.

Form DD-214 is the most common source of documentation used to determine veteran discharge status. If a veteran does not have a DD-214, a free copy can be provided. Please refer to Attachment 4 for information about how to help a veteran obtain a free copy of their DD-214.

Veterans' priority of service means that veterans and eligible spouses are given priority over non-covered persons for the receipt of employment, training, and placement services provided under a qualified job training program. Veterans' preference applies to all USDOL-funded employment and training programs, not just when a local area is in limited funds status. Federal law requires that the individual receiving priority must first meet the program's existing eligibility requirements. TEGLs 10-09, 22-04, and 19-16 provide guidance on implementing priority of service, including priority of service for veterans' spouses.

Section 2-12 Unemployed

When determining unemployed status, note the following situations:

- A full-time student who was available for work during this seven-day period may be classified as unemployed.
- Time spent in national guard, military, naval, or air force reserve activities is **not** to be counted as employment.
- A person who is working part-time is considered employed.
- A veteran who has not obtained permanent unsubsidized employment since being released from active duty shall be considered as having met "unemployed" requirements regardless of the specific

term of unemployment required.

- Persons institutionalized in a prison, jail, or similar correctional institution are to be considered "unemployed" only when such persons have a reasonable expectation of release within 12 months of enrollment in activities under the Act.
- Time spent in the WIOA On-the-Job Training (OJT) and Work Experience is considered employment for application/reporting purposes. Time spent in classroom training services or holding may or may not be considered employed depending on the specific situation.
- A person may meet the "made specific efforts to find a job" provision of the definition of "unemployed" by seeking either part-time or full-time work.

Section 2-13 Underemployed

In addition to providing career and training services to individuals who are unemployed, there remains a significant population of job seekers who are underemployed. Individuals who are underemployed may include:

- Individuals employed less than full-time who are seeking full-time employment.
- Individuals who are employed in a position that is inadequate with respect to their skills and training.
- Individuals who are employed who meet the definition of a low-income individual in the WIOA Section 3(36). Individuals who are employed, but whose current job's earnings are not sufficient compared to their previous job's earnings from their previous employment, per state and/or local policy.

Individuals who are underemployed and meet the definition of low income may receive career and training services under the Adult program on a priority basis as a low-income participant. Individuals who meet the definition of an individual with a barrier to employment, per the WIOA Section 3(24) who are unemployed, may also be served in the Adult program. Individuals who were determined eligible for the Dislocated Worker program and who are determined by state and/or local policies to be underemployed, may still be considered eligible for career and training services.

Section 2-14 Refugees and Asylees

Per Section 683.285(a)(5) of the WIOA Final Regulations, participation in programs and activities under Title I of the WIOA must be available to citizens and nationals of the U.S.; lawfully admitted permanent resident aliens, refugees, asylees, and parolees and other immigrants authorized by the Secretary of Homeland Security or the Secretary's designee to work in the U.S.

To be eligible for the WIOA Title I dislocated worker program, the individual must:

- Be a citizen of the U.S. or an eligible non-citizen, and
- Be registered with the Selective Service, if applicable, and
- Meet dislocated worker eligibility requirements.

The USDOL has clarified that a foreign-trained worker, such as a refugee or other legal immigrant, may be considered a dislocated worker if the individual meets the eligibility criteria, regardless of the location of the employment and layoff. Generally speaking, it is the component of the dislocated worker definition outlined in the WIOA at Section 3(15)(A), the "layoff or termination" component that is most applicable when seeking to determine eligibility for foreign-trained workers.

Section 2-14 Dislocated Worker Documentary Evidence

Documentary evidence must be collected from the individual that substantiates eligibility as a dislocated worker. While there are a number of items that require documentary evidence, there are also items where an applicant statement is allowable.

An applicant statement is allowable for determining eligibility as a dislocated worker when documenting that an individual has been terminated or laid off and that the individual is unlikely to return to a previous industry or occupation. However, documentary evidence is currently required to substantiate attachment to the workforce.

Section 2-15 RELEASE OF CONFIDENTIAL INFORMATION

The *Release of Confidential Information Form* allows the WIOA Service Provider to release information to other agencies when services of the agency have been requested, or when the objective in obtaining the information is to provide services to the client.

Nebraska Department of Education may disclose student social security numbers to a State UI agency (or other agency that has access to State UI wage records) for the purpose of determining employment status. A signed client release of information from every participant enrolled in training at a secondary and postsecondary institutions as of May 1, 2003 and thereafter (FERPA).

Section 2-16 DETERMINING A BASIC SKILLS DEFICIENT INDIVIDUAL

WIOA section 3(5) defines Adult and Dislocated Worker “basic skills deficient” as an individual: Who is an adult that is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual’s family, or in society. ResCare staff may ~~only~~ administer any test deemed allowable by the Department of Education for reporting basic skills outcomes as a part of the objective assessment. Examples include CASAS, TABE Locator, Accuplacer, etc.

For Comprehensive Adult Student Assessment System (CASAS) testing, if the participant computes or solves problems, reads, writes, or speaks English at or below the 8th grade level, the participant is determined to be basic skills deficient and will require post-testing, unless meeting the exception found in the Post-Testing segment of this section. Participants who are determined not to be basic skills deficient, based on pre-test results, are excluded from post-testing requirement.

Please visit National Reporting System website for the most recent edition of testing benchmarks.

Section 2-17 Veterans Priority of Service

Under the WIOA, veterans receive priority of service in all U.S. Department of Labor (USDOL) funded employment and training programs. The WIOA regulations describe what is meant by “priority of service,” and specific guidance was issued in TEGL 22-04 indicating that separating service members meet the eligibility requirements for Dislocated Worker activities.

The WIOA regulations clarify that a notice of separation, a DD-214 from the Department of Defense, or other appropriate documentation that shows a separation from the Armed Forces, qualifies as the notice of termination or layoff required for the dislocated worker definition.

Section 2-17a Military/Eligible Spouse

Pursuant to 38 U.S. Code (U.S.C). 4215, all ETA workforce programs provide priority of service to veterans and certain spouses of veterans who qualify as “covered persons.” A “covered person” is defined in 20 CFR 1010.110 as a “veteran or an eligible spouse.” It further defines “eligible spouse” as the “spouse” of any of the following:

1. Any veteran who died of a service-connected disability.
2. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
 - i. Missing in action.
 - ii. Captured in the line of duty by a hostile force.
 - iii. Forcibly detained or interned in the line of duty by a foreign government or power.
3. Any veteran who has total disability status resulting from a service-connected disability, as evaluated by the Department of Veteran’s Affairs.
4. Any veteran who died with a disability, as indicated above in #3 of this section, was in existence.

The regulation does not further define “spouse.” Consistent with the ETA’s policy, workforce grantees are required to include as a “covered person” the same-sex spouse of a veteran who is in one of the categories as identified above.

The WIOA expands the definition of displaced homemakers to include the dependent spouses of the Armed Forces in active duty to ensure they have access to the WIOA Title I services. As outlined in TEGL 22-04, a military spouse who leaves his/her job to follow his/her spouse to a new duty assignment can be served with the WIOA Dislocated Worker formula grant funds in certain circumstances. When the spouse is unable to continue an employment relationship due to the service member’s permanent change of military station, or the military spouse loses employment as a result of the spouse’s discharge from the military, then the cessation of employment can be considered to meet the termination component of the WIOA definition of dislocated worker. Military spouses in such circumstances must still be determined to be “unlikely to return to a previous industry or occupation,” in order to qualify as a dislocated worker.

This guidance further clarifies that the spouse’s cessation of employment, due to the service member’s permanent change of military station or his/her discharge from the military, can also be considered to meet the “unlikely to return to a previous industry or occupation” criterion of the WIOA definition of dislocated worker outlined in the Act. This portion of the definition of a dislocated worker recognizes the breadth of job types and considers whether the individual is likely to return to either his/her prior industry or (*not “and”*) occupation. Furthermore, the phrase specifically uses the term “unlikely” to return; thus, the standard for determining the likelihood of return is not absolute, but rather a matter of judgment based on relevant circumstances. In the majority of cases, the circumstances in which a military spouse is required to leave a job or occupation as a result of the military member’s transfer, does not position the spouse to return immediately to his/her previous occupation or industry, particularly at the same level for the following reasons:

- Spouses are generally not resuming employment with the same employer.
- Even if a spouse resumes employment with the same employer, the employment is in a new location, and occupations/jobs will generally not be the same structurally or organizationally as in the prior location.
- When military spouses do obtain jobs in their new locations, it is likely that as new employees they will start at lower levels of seniority than the levels of their positions in their prior locations.

- There is frequently a gap in employment as spouses make the move and search for new employment, which may lessen their likelihood of returning to the same level of occupation or type of job.

Based upon the totality of these circumstances, it would be reasonable for local areas to conclude that in the vast majority of cases, a military spouse impacted by a service member's duty reassignment or discharge will meet the "unlikely to return to a previous industry or occupation" criterion and could thus be served as a dislocated worker under the WIOA Section 3(15). This allows local areas to take full advantage of the flexibility provided under the dislocated worker definition to engage and serve military spouses in need of education, training, and career assistance. Workforce system leaders are also reminded of the broad flexibility provided by the WIOA for local boards to establish policies and procedures for One-Stop operators to use in determining an individual's eligibility as a dislocated worker. These policies and procedures could take into account a broad variety of additional factors, including:

- The skills of the spouse, e.g., obsolete or inadequate skills to meet the advancing competency needs of the 21st century workforce and economy.
- The decline of the industry in which the spouse has prior work experience in the region to which the spouse has relocated.
- An excess number of workers with similar skill sets and experience seeking limited employment opportunities in the region. Consistent with TEGL 26-13, the definition of "eligible spouse" includes same-sex spouses.

Section 2-18 Additional Requirements for Dislocated Worker Registration and Documentation

Generally speaking, a dislocated worker is someone that loses their job through no fault of their own. However, an individual must fall into one of five categories to satisfy the definition. Once an individual is registered as a dislocated worker, the individual remains a dislocated worker until exited from the program, regardless of employment status or earnings during their participation. If a participant becomes self-employed in a full-time, permanent job that pays a wage defined by the local board as self-sufficient or leading to self-sufficiency, the participant may continue to be served in the program until he/she is formally exited.

As a reminder, for dislocated workers, documentation of the reason for dislocation is required. **Unlikely to Return to a Previous Industry or Occupation**

Unlikely to return to a previous industry or occupation is one of the categories for dislocated worker eligibility. For the purposes of the WIOA Dislocated Worker program eligibility, previous industry/occupation relates directly to the job of dislocation, not the most recent job if it is considered stop-gap employment. Additionally, the USDOL has also allowed states to define stop-gap employment. Stop-gap/income maintenance employment could be defined as a job paying significantly less than the layoff wage, paying significantly less than the self-sufficiency standard, paying a percentage that is significantly less than the negotiated performance goal, a job classified as temporary, etc.


Since "unlikely to return" has not been defined in the Act or the WIOA rules and regulations, the USDOL has allowed states to make a determination of what constitutes "unlikely to return." Local areas may want to define this term to assist staff in identifying dislocated workers. Any of the following considerations may be helpful in defining "unlikely to return."

- Worked in a declining industry or occupation, as documented on state or locally-developed lists of such industries or occupations. Information is available from the Michigan Department of Technology, Management, and Budget [Bureau of Labor Market Information and Strategic Initiatives](#). Lists may also be developed by an appropriate entity, such as a Chamber of Commerce, the local board, an economic development agency, a qualified consultant or educational entity, or other valid public use quality source of labor market information.
- Has a lack of job offers as documented by the local board or Unemployment Insurance (UI) staff, rejection letters from employers in the area, or other documentation of unsuccessful efforts to obtain employment in the prior industry or occupation.
- Worked in an industry or occupation for which there are limited job orders in the NEworks system at the time of eligibility determination.
- Is insufficiently educated and/or does not have the necessary skills for re-entry into the former industry or occupation, as documented through the assessment of the individual's educational achievement, testing, or other suitable means.
- Has physical or other problems which would preclude re-entry into the former industry or occupation, as documented by a physician or other professional (e.g., psychiatrist, psychiatric social worker, chiropractor, etc.).

“Unlikely to return” may be defined in terms of family, personal, or financial circumstances that may affect the likelihood of the individual’s returning to his or her previous occupation or industry for employment

Section 2-19 Alternative Forms of Documentation

Telephone Verification

 Some eligibility criteria may be verified by telephone contacts with appropriate governmental agencies or verified by document inspection. The information obtained must be documented by recording the information on a standardized form. For an example, refer to the WIOA Adult, Dislocated Worker, and Youth Telephone Verification Form. The information recorded must be adequate to enable a monitor or auditor to trace back to the cognizant agency or document used. Telephone verification must include the name and title of the agency representative providing the verification information, along with the date and contact information.

References

The WIOA Sections 3(15), 3(24), 3(36), 188 and 189

The WIOA Final Rules and Regulations 20 CFR:

20 CFR 680.660

20 CFR 683.285(a)(5)

TEGL 4-89 – Application of Selective Service Registration Requirements in Section 504 of the Job Training Partnership Act

TEGL 22-04 – Serving Military Service Members and Military Spouses under the Workforce Investment Act (WIA) Dislocated Worker Formula Grant

TEGL 10-09 – Implementing Priority of Service for Veterans and Eligible Spouses in all Qualified Job Training Programs Funded in whole or in part by the USDOL

TEGL 11-11, Change 2 – Selective Service Registration Requirements for Employment and Training

Administration Funded Programs

TEGL 26-13 – Impact of the U.S. Supreme Court's Decision in *U.S. v. Windsor* on Eligibility and Services

Provided under Workforce Grants Administered by the ETA

TEGL 02-14 – Eligibility of Deferred Action for Childhood Arrivals Participants for WIA and Wagner-Peyser Programs

TEGL 3-15 – Guidance on Services Provided through the Adult and Dislocated Worker Program under the WIOA and Wagner-Peyser, as Amended by the WIOA and Guidance for Transition to the WIOA Services

Section 2-19: WIOA Adult and Dislocated Worker Services

Registration

The WIOA registration process is used to collect information required by federal regulations and to make a determination of eligibility for the WIOA Adult and Dislocated Worker programs. The registration and eligibility determination must be completed for any participant who is to receive the WIOA services other than non-staff assisted (self-service) and informational services.



The individual must complete a WIOA Pre-Application. The talent engagement specialist may complete all items on the form in a personal interview with the participant and then transfer the information to the web-based form. A personal interview with the participant by the talent development specialist is encouraged for accurate reporting since the participant will not be familiar with the definitions used for many of the reporting items. Information requested is required of all participants.

Overview

The NEworks system shall be the data access system used for collecting information on career services provided. Each client **must** be registered in NEworks to receive a career service, other than self-service or informational activities.

There are three types of career services:

- Basic career services
- Individualized career services
- Follow-up services

These services can be provided in any order; there is no sequence requirement for these services. Activities under career services include the following:

- Self-service and informational activities are those career services that are made available and accessible to the general public, that are designed to inform and educate individuals about the labor market and their employment strengths, weaknesses, and the range of services appropriate to their situation, and that do not require significant staff involvement with the individual in terms of resources or time." [20 CFR 666.140(a)(2)]
- Basic Career Services must be made available to all individuals seeking services served in the one-stop delivery system.
- Individualized Career Services are designed to impart job seeking and/or occupational skills.
- Follow up Services must be provided as appropriate for participants who are placed in unsubsidized employment for up to 12 months after the first day of employment.



Corrections or clarification to information completed by the registrant must be reviewed by the Talent Development Specialist. **In no instance should the talent development specialist cross out or erase information provided by the registrant.** The talent development specialist is to note whatever

additional/correct information is appropriate in the comments section of the registration form. **In instances where self-attestation is applicable; the participant must revise, sign/initial, and date the correction(s).**

The WIOA rules describe nondiscrimination, EO, and religious activities requirements, as defined in the WIOA Section 188 and at 29 CFR Part 37, that recipients (state and local workforce boards, One-Stop operators, service providers, Job Corps contractors and sub recipients, as well as other types of individuals and entities) must adhere to when using the WIOA Title I funds.

The RWS must collect EO data (data on race and ethnicity, age, sex, and disability) for each individual who is interested in being considered for the WIOA Title I financially-assisted aid, benefits, services or training, and who has signified that interest by submitting personal information in response to a request by the RWS.

References

The WIOA Section 188

The WIOA Final Rules and Regulations 20 CFR:

20 CFR 683.285

29 CFR Part 37

Section 2-20 Basic Career Services

Basic career services are universally accessible and must be made available to all individuals seeking employment and training services. At minimum, services must include the following services, as is consistent with allowable program activities. Basic career services include:

1. The WIOA eligibility determination
2. Outreach/intake
3. Initial assessment of skill levels
4. Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including:
5. Job vacancy listings
6. LMI
7. Provision of performance information and program cost information on eligible providers of training services
8. Provision of information, in usable and understandable formats and languages,
9. unemployment compensation. “Meaningful assistance”

Section 2-21 PROCEDURE FOR ENROLLMENT

Talent Development Specialists will ensure the following is completed:

1. Pre-application
2. Attend Orientation/review program elements with individual
3. Establish eligibility date

4. Complete WIOA Application
5. Individual is given: WIOA Services Explanation, Equal Opportunity Form, WIOA Service Guide, Citizenship Attestation Form, Estimated Monthly Budget Form, Suitability Assessment Questionnaire, Follow Up Procedure & Contacts Form, Applicant Statement
6. Once all documentation is completed and scanned into NWorks and/or ECM, request a Participation

Section 2-22 Determination:

If individuals are determined Ineligible or unsuitable for the program, a Closed Never Enrolled is entered, a referral is done and documented in case notes stating why the person is not eligible and/or suitable for the program

Once eligibility and suitability for the program have been established all eligibility information and documents MUST be entered in NWorks and/or scanned into ECM.

A Participation Date Request form must be completed and forwarded to the Quality Assurance Specialist who will review and decide if application is complete or incomplete. If complete, the completed form will be to Project Director or designee for assignment of participation date. Receipt of approval will be sent to the Talent Development Specialist. A participation date and date of first service can be entered in NWorks. The first service should be the Objective Assessment followed by Individual Employment Plan (IEP) development.

Section 2-23 WAIT LIST POLICY

A Wait List will be created by the WIOA Adult and Dislocated Worker Provider should a situation develop in which enrollments need to cease in one or more of the WIOA programs. The primary cause for a Wait List would be the loss, over-expenditure, or entire obligation of program funds such that funding is not available to assist new participants.

When the Service Provider staff determines there is a need to create a Wait List, the following process will be used.

- Documentation on the need for establishing a Wait List will be compiled by the WIOA Administrator and ResCare Director no later than the 10th of the month prior to the month in which the Wait List would start.
- The information will be reviewed and a plan to address the underlying issue of why a list exists and formal plan to eliminate the use of the list will be outlined.
- When a Wait list is established, it will be the responsibility of the Service Provider to continue taking phone, electronic and in-person referrals. Those wishing to have their name on the Wait List will provide their first and last name, address, phone number, and email contact information (as available). They will also self-identify as to their military veteran status for priority of service.
- The Service Provider will maintain a spreadsheet that documents the list data elements as reported above in date of contact order. All self-identified as military veterans will be first on the list by date order that they contact the program.
- When the Service Provider is ready to start enrolling again, the priority of service will be followed.
- Contact will be made by phone and by mail or email, as available. At a minimum, at least two different types of contact attempts must be made.
- Depending on the number of individuals on the Wait List, it may be necessary to schedule multiple orientation sessions.
- The Service Provider will document on the Wait List, who responded and the result of that response, i.e. no longer interested, scheduled appointment, etc.

- The Service Provider will keep the WIOA Administrator informed monthly on the status of the Wait List so information can be shared with the LWDB as needed.
- Records regarding the Wait List will be maintained for a minimum of 3 years from the time that the Wait List ends.

All persons have access to employment-related information and self-service tools, without restrictions. Services that are not primarily informational and self-service require WIOA registration. Eligibility for career services and training also requires the WIOA registration. Eligibility for career services is restricted to adults and dislocated workers who are unemployed or employed and in need of career or training services to obtain or retain employment that allows for self-sufficiency.

Section 2-24 WIOA Participant

Participation commences on the first day following the determination of eligibility on which the individual began receiving career, training, or other services provided under the WIOA Title I.

For the WIOA Title I Adult and Dislocated Worker programs, a participant is a reportable individual who has received services after satisfying all applicable programmatic requirements for the provisions of services, such as eligibility determination.

All participant final status information is captured using the WIOA Participation Status screen. The purpose of the data collection is to record the WIOA participant's status in the WIOA program(s). This includes future services, planned gaps, the WIOA manual exit date, and other reporting information upon exiting the WIOA program(s). This information may include credential attainment, employer information, and school information.

Section 2-25 Re-enrollment:

All individuals are given the opportunity to re-apply for WIOA services. Re-enrollment is determined on a case-by-case basis.

Section 2-26 Individualized Career Services

Individualized Career Services are offered to individuals who meet eligibility criteria, be registered for program services, and be assigned a program participation date.

At least 75% of the adults will meet one of the following priorities:

- Be a recipient of public assistance (within the six months prior to registration)
- Be a low-income individual (as previously defined)
- Be an individual who is basic skills deficient (as previously defined)
- The Greater Lincoln Local Plan defines self-sufficiency as:

Adults: The Greater Lincoln Board defines self-sufficiency for Adults as wages that are 175 percent of the Lower Living Standard Income Level.

Dislocated Workers: Earning a wage which is equal to at least the minimum Median Earnings set in the program year performance standards.

Self-sufficiency for dislocated workers is defined as 80 percent or more of wages earned.

Individualized career services must be based on the employment needs of the individual as determined jointly by the individual and the Talent Development Specialist (case manager), and, may be identified through an

individual employment plan (IEP). These services, which must be available in all comprehensive One-Stop centers, include:

- Comprehensive and specialized assessments of the skill levels and **determination of service needs** of adults and dislocated workers, which may include:
 - Diagnostic testing and use of other assessment tools which include CASAS, Career Pathways, Work Values, Suitability/Objective Assessment.
 - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.
- Development of an IEP to identify the employment goals, appropriate achievement objectives, and the appropriate combination of services for the participant to achieve his or her employment goals, including a list of, and information about, eligible training providers.
- Group counseling, which involves two or more participants addressing certain issues, problems, or situations that may be shared by the group members.
- Individual counseling, which is a one-on-one session that may go into greater detail for a participant regarding certain issues, problems, or situations.
- Career planning, e.g., case management.
- Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct services to prepare individuals for unsubsidized employment or training. In some instances, pre-apprenticeship programs may be considered as short-term pre-vocational services.
- Internships and paid or unpaid work experiences that are linked to careers. Internships and work experiences may be arranged within the private for-profit sector, the non-profit sector, or the public sector.
- Transitional jobs, which are to include all of the following:
 - Time-limited work experiences that are subsidized and are in the public, private, or non-profit sectors for individuals with barriers to employment who are chronically unemployed and/or have an inconsistent work history.
 - Designed to assist individuals with barriers to employment to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry and retention into unsubsidized employment.
 - Must be combined with comprehensive career services and supportive services.

Workforce preparation activities, including programs or services designed to help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining the skills necessary for a successful transition into and completion of post-secondary education or training, or employment. The final Determination of Need must be documented by completing the Determination of Need for Career Services Form for each participant, and uploaded into ECM.

Section 2-27 Training Services

Training services are provided to equip individuals to enter the workforce and retain employment. The WIOA clarifies that there is no sequence of service requirements in order to receive training. Training is made available to individuals after an interview, assessment, or evaluation determines that the individual requires training to obtain employment or remain employed.

Training services may be made available to employed and unemployed adult and dislocated workers who:

- A One-Stop Operator or One-Stop Partner determines, after an interview, evaluation or assessment, and career planning are:
 - Unlikely or unable to retain employment that leads to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services alone.
 - In need of training services to obtain or retain employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment through career services alone.
 - Have the skills and qualifications to participate in training services.
- The training must be directly linked to the employment opportunities either in the local area or planning region, or in another area to which the individual is willing to commute or relocate.
- The participant is unable to obtain grant assistance from other sources to pay for the training, including other grants such as state-funded training grants, TAA, and Federal Pell grants, or requires assistance beyond that available from other sources to pay for the cost of training.
- Is a member of a worker group covered under a petition filed for TAA and is awaiting a determination. If the petition is certified, the worker may then transition to TAA-approved training. If the petition is denied, the worker will continue training under the WIOA.
- Is determined eligible in accordance with the State and local priority system in effect for adults under the WIOA Section 134(c)(3)(E) if training services are provided through the adult funding stream.

As a reminder, Priority of Service for training only applies to participants funded through the Adult program.

Training services may include the following:

- Registered apprenticeships.
- Occupational skills training, including training for nontraditional employment.
- On-the-Job Training.
- Incumbent Worker Training.
- Programs that combine workplace training with related instruction, which may include cooperative education programs.
- Training programs operated by the private sector.
- Skill upgrading and retraining.
- Entrepreneurial training programs that assist individuals who are seriously interested in starting a business in Nebraska and becoming self-employed.
- Job readiness training provided in combination with any of the aforementioned training services, with the exception of registered apprenticeships.

- Adult education and literacy activities, including activities of English language acquisition, and integrated education and training programs provided concurrently or in combination with any of the aforementioned training services, with the exception of registered apprenticeships and transitional jobs training.
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

In most circumstances, an individual will receive training services through an Individual Training Account. The selection of a training program should be fully informed by the performance of relevant training providers, and individuals must be provided with performance information for all training providers who provide a relevant program.

Section 2-28 Individual Training Accounts

WIOA Title I-B training services for WIOA eligible adults, dislocated workers and youth are provided through ITAs. Using ITA funds, WIOA eligible adults, dislocated workers and out of school youth purchase training services from eligible training providers they select in consultation with a RWS Lincoln Talent Development Specialist. Participants are expected to utilize information such as skills assessments, labor market conditions/trends, and training providers' performance, and to take an active role in managing their employment future using ITAs.

ITAs are one training option available to eligible and appropriate participants when it is determined by a Talent Development Specialist that they will be unlikely or unable to obtain or retain employment that leads to self-sufficiency or higher wages from previous employment through career services alone. An ITA is limited in cost and duration and must result in employment leading to economic self-sufficiency or wages comparable to or higher than wages from previous employment.

ITAs are allowed for out-of-school youth ages 18-24 (out-of-school youth ages 16-17 are not eligible for ITAs) per WIOA Section 129(c)(2)(D) and Proposed 20 CFR 681.550.

ITAs are not entitlements and shall be provided to eligible participants based on an individualized assessment of the person's job readiness, employment and training needs, financial, social and supportive needs, labor market demand and potential for successful completion, as documented on the participant's Individual Employment Plan (IEP). Participants choose career training with [Eligible Training Providers](#) in consultation with Talent Development Specialists.

ITA funding for training is limited to participants who:

- Complete an assessment and an IEP that identifies the selected training course;
- The participant has a GED or high school diploma and a 9th grade reading and math comprehension level.
- The participant has demonstrated the following: Commitment to completing the identified training program, knowledge of the targeted demand occupation in the local area or proposed area of employment, knowledge of the job requirements and working conditions of the chosen career, knowledge of training courses available and pertinent performance and cost information, the ability to meet the training provider's entrance requirements, the training program is consistent with the participant's Individual Employment Plan (IEP) or Individual

- Service Strategy (ISS), attendance at all required appointments.
- Are unable to obtain grant assistance from other sources to pay the costs of training or require assistance beyond available grant resources from other sources, such as Pell Grants in order to complete their training goals;
- Select training programs that are directly linked to an in-demand industry sector or occupation or sectors that have a high potential of sustained demand or growth in the local area or in the planning region or in another area in which the participant is willing to travel or relocate [WIOA Section 134(c)(3)(G)(iii)]; and
- Maintain satisfactory progress/grades throughout the training program.

A. Coordination of WIOA Training Funds and Other Federal Assistance

WIOA funds are intended to provide training services in instances when there is no grant assistance, or insufficient assistance from other sources such as, but not limited to: Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP); Title IV Programs such as Federal Pell Grants, Academic Competitiveness Grants, National SMART Grants, Federal Supplemental Educational Opportunity Grants, or Federal Work-Study; GI Bill or other Federal financial aid available to military veterans; and state-funded grants such as the Washington State Need Grant to pay for those costs.

An individual may select training that costs more than the \$7,000 WIOA maximum amount, when other sources of funds are available to supplement the ITA.

Talent Development Specialists must consider and document in the participant file the availability of other sources of grants, excluding loans, to pay for training costs so that WIOA funds are used to supplement but not supplant other sources. The use of WIOA funds to make payments towards a personal loan of an otherwise eligible participant is prohibited. However, the mere existence of a federal loan, regardless of the status, must not impact ITA eligibility determinations.

B. ITA Authorization

Individual Training Account Funding Agreement Form must be completed and approved by a WIOA program manager prior to issuance.

Participants must be enrolled in approved training within 60 days of the ITA award designation. Participants will be considered enrolled in training if they: 1. Are pre-registered for classes or on a waiting list of an approved training provider; 2. Have a starting date of training that is not more than one quarter or term in the future.

Exceptions to the above criteria are: 1. Class cancellation; 2. Health problems (with doctor's letter as proof); 3. Demonstrated childcare barriers; 4. Job related factors (with employer's letter as proof).

The individual must have the skills and qualifications to successfully complete the selected training program (limited English proficiency should not be a barrier, but supplemental intensive language training should be provided);

ITAs are authorized only for training programs listed on the [Eligible Training Provider \(ETP\) list](#), as required in WIOA Section 134(c)(F)(iii). ITA funds are paid directly to the training provider using WFC's fiscal system.

ITAs may be used for pre-apprenticeship programs however, only pre-apprenticeship programs listed on the ETP list may be approved. (Proposed 20 CFR 680.330(a))

ITAs may be authorized for training programs in other states or online training if the training program is listed on the ETP list or there exists reciprocity agreements with other states.

The participant and Talent Development Specialist must review, discuss and sign the Greater Lincoln WIOA Participant Training & Tool Agreement. This document must be uploaded into ECM with the completed Individual Training Account Funding Agreement Form.

ITAs are not authorized for individualized career services such as short-term prevocational training. Short-term prevocational services may include the development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, professional conduct, or other non-occupation-specific topics that are intended to prepare individuals for unsubsidized employment or training and should not exceed 40 hours of instruction except in documented special circumstances.

C. ITA Obligations:

In order to obligate ITA funds ITA Obligation may be written for individuals identified to receive an ITA award. The obligation would document a three-way commitment between the individual, the RWS, and the training institution.

ITA Funding Limit

The limit for ITA contracts is \$7,000. The maximum ITA limit is not an entitlement. The amount and duration of each participant's ITA award is determined on an individual basis. Funding amounts will consider the total costs of the selected training program, any other financial assistance available to the participant, and the WIOA funding available to the Adult, Dislocated Worker or Out of School Youth Programs.

The ITA funding can only include the cost of training services such as tuition.

An ITA may fund prerequisite training to a vocational training program if it is required by the educational institution.

D. ITA Continued Funding

Continued funding of an ITA is contingent on availability of WIOA funds and on the participant's satisfactory progress in school. Talent Engagement Specialists will review the participant's training progress and expenses quarterly or more frequently depending on the training institution's schedule. An individual's progress will be considered satisfactory upon earning:

- A grade point average that does not fall below 2.0 for two consecutive terms; or
- A grade point average sufficient to graduate from, or receive certification in, the individual's approved area of study; or
- Sufficient credit hours to finish the approved course of study within the timeframe

- established under the approved training plan.
- In the case of self-paced or ungraded learning programs, satisfactory progress means participating in classes and passing certification examinations within the timeframe established under the approved training plan.

Talent Development Specialists must arrange to receive training progress reports (i.e. transcripts) from participants in adequate time to process the subsequent tuition payment.

Talent Development Specialists must develop with participants who are not earning satisfactory progress in their coursework, a service strategy to overcome the barriers impacting progress. WIOA ITA funding may be terminated if participants do not earn satisfactory progress for two (2) or more consecutive school terms (i.e. quarters, semesters, etc.).

E. ITA Modification

An ITA may be modified to ensure the individual attains their educational goals and subsequent employment. In some circumstances, such as when a program of training is removed from the ETPL, or when extraordinary program expenses develop, the participant and Talent Engagement Specialist must agree on whether to complete the plan of training with the existing provider, seek a similar program, or discontinue training. The student would have the option to continue in the program at their own expense. Costs incurred while the provider/program was eligible would not need to be repaid. Any modifications to the ITA should be documented in case notes located in NEworks.

F. Dropped Classes

This drop add policy is based on the Greater Lincoln Workforce Development Board and is our policy for ALL classes. Please explain this to all schools we partner with!

Should the participant not complete the program for any reason, the standard refund policy of the training provider institution shall apply, and the resulting refund shall be applied to the program funds from which the original obligation was made.

A 100% refund for any credit class officially dropped prior to 12.499% of the time elapsed since the first day of the start of class, including Saturdays, Sundays, holidays, and weekdays. Talent Development Specialist must verify that participants are attending classes before the refund window closes.

“NO” refund is allowed after 12.500% of time has elapsed since the first day of the start of class, including Saturdays, Sundays, holidays, and weekdays. A student’s transcript will not show any registration data if the student drops prior to 12.499% of the time elapsed since the first day of the start of class, including Saturdays, Sundays, holidays, and weekdays. Refunds are not automatic. To obtain a refund or an “Official Drop/Add Form for Credit Classes” must be submitted prior to the deadline for dropping and receiving a refund. Refunds will not be granted after these deadlines. Non-Credit classes are eligible for a refund if class is dropped one day before start date.

NOTE: Greater Lincoln will not pay for the same class more than once!

H. ITA Participant File Documentation

Justification for, and continued funding of an ITA must be supported by the following documentation located in the participant file and/or in case notes entered in NEworks:

1. Assessment results supporting the selected program of study. The Work Values and Career Pathway assessments must support the need for training including a determination by a case manager that the participant will be unlikely or unable to obtain or retain employment *that leads to* self-sufficiency or higher wages from previous employment through career services alone; and that the selected program of study will result in employment *leading to* economic self-sufficiency or wages comparable to or higher than wages from previous employment;
2. Completed IEP documenting the selected program of study, anticipated and actual start/end dates and training outcomes;
3. Eligibility for other training grant funding;
4. Verification of FAFSA application and award status, if applicable. Authorization of the ITA and any approved increase or modification;
5. Documentation of the participant's willingness and ability to travel to locations outside of Lancaster and Saunders Counties if the selected training program and/or demand occupation is outside of the local area;
6. Case note documenting that the training provider is on the Eligible Training List; and
7. Documentation of the participant's progress and/or grades

Section 2-29 On-the-Job Training (OJT) program

The term "on-the-job training" means training, under a contract, by an employer or the sponsor of a Registered Apprenticeship program that is provided to a paid participant while engaged in productive work in a job that:

- A. Provides knowledge or skills essential to the full and adequate performance of the job;
- B. Provides reimbursement of a percentage of the wage rate to the employer for the extraordinary costs of providing the training and additional supervision related to the training; and
- C. Is limited in duration to the time necessary for a participant to become proficient in the occupation for which they are receiving the OJT training, taking into account the skill requirements of the occupation, the academic and occupation skill level of the participant, prior work experience, and the individual employment plan. The maximum number of hours for an OJT must not exceed 1,040 hours (six months).
- D. OJT is intended for unemployed participants, but OJT contracts may be established for eligible workers if the worker is not earning a self-sufficient wage comparable to or higher than wages from their previous employment. Self-sufficiency will be determined by comparing the income needs of families by family size, the number and ages of children in the family, and sub-state geographical considerations.

E. Priority for OJT must be given to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. Please refer to the GL Board policy on Priority of Service.

F. OJT must relate to one or more of the following factors:

- introduction of new technologies
- introduction to new production or service procedures
- upgrading to a new job that requires additional skills
- workplace literacy
- other appropriate purposes identified by the local board.

Work Opportunities Tax Credit (WOTC): For employers to receive a tax credit under these programs, the application for such credit must be forwarded to the Nebraska Department of Labor Office of Employment and Training on or before the start date of the job. Even though the one-year clock for WOTC starts on the first day of the OJT, the employer cannot claim a tax credit until the contract is completed. Questions on WOTC should be referred to the Nebraska Department of Labor Office of Employment and Training at (402) 471-2693.

A. Employer Eligibility

OJT contracts may be entered into with private-for-profit businesses, private non-profit organizations, and public sector employers prior to a participant starting the new job. Employers receiving OJTs are exempt from the Eligible Training Provider List requirements. With successful completion, it is expected the employer will retain the participant after the training period. Under WIOA Title I, OJTs must not be entered into with an employer who has received payments under previous contracts under WIOA if the employer has exhibited a pattern of failing to provide participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

B. Registered Apprenticeship

OJT contracts may be written with registered apprenticeship programs or participating employers in registered apprenticeship programs for the OJT portion of the registered apprenticeship program only, not the related instruction component.

C. Pre-Award Reviews

A pre-award review is conducted prior to contract execution. Service Provider staff will determine if the employer meets the requirements for OJT. Pre-award reviews become a part of the OJT contract and provide the necessary documentation in these areas:

- Proof of whether the employer is a new or established business is required. If the company has operated at the current location less than 120 days and the business relocated from another area in the U.S., the Service Provider must verify that employees were not laid off at the previous location as a result of the relocation.

- Review and discussion of the **Employer Assurances and Certifications for On-the-Job Training form** by local area staff with the employer, either in-person or by phone.
- The employer size, meaning number of employees currently employed at the local operation where the OJT placements will be made, must be documented. When substantiating the employer count, the most current Labor Market Information (LMI) may be a source to consider and may be obtained by the Service Provider from NEworks. Employer size is determined by the number of employees at the time of the pre-award review. This applies to all employers, including employers with seasonal or intermittent employee size fluctuations.
- Determination if the applicant has worked for the employer at any time in the past, and if so, the dates and circumstances are required. Individuals shall not be considered eligible for services with the same employer in the same occupation.
- Description of the hiring practices of this employer in general, and for this position, is included.
- Determination if the applicant is related to the employer or an employee who works for the employer in an administrative or supervisory capacity is required.
- Calculation of the employer's rate of employee turnover, and the turnover for this position is included. Contracting with employers who have high employee turnover rates should be avoided. The Service Provider is expected to define and document in writing high turnover rate based on local conditions, industry sector and occupation.
- If the employer has incurred any layoffs in the past 12 months and the Service Provider must check to be sure no Worker Adjustment and Retraining Notification Act (WARN) notices have been filed.
- Determination is needed to define if the position is full- or part-time, and if permanent, temporary, or seasonal. Contracts shall not be established for positions that do not or cannot have a trainer or supervisor present, or for temporary positions that are supplied to employers by temporary employment contractors.
- Evidence if the position is covered by a collective bargaining agreement is collected, and if the training is consistent with such agreement.
- Notation is added if there have been any OSHA, wage and hour, or child labor law violations in the past year.
- If there has been any substantiated Equal Opportunity complaints, the Service Provider is expected to consult with the local EEO Officer for input.
- Inclusion of minimum qualifications for the position, and a written job description is required.
- The Service Provider must determine if the pay and benefits are equivalent to similar positions in the local labor market and/or similar positions with the employer.
- Evidence of the employer providing worker's compensation or accident insurance is a requirement.

- Determination must be made by the Service Provider if the employer's accounting system (especially payroll), personnel system, grievance system, etc., are adequate to administer the contract agreement.
- If the employer is presently disbarred or suspended from receiving federal contracts that will be a disqualification by the Service Provider.

On-the-Job Training Contract Requirements

OJT contracts shall be procured in accordance with all federal, state and local procurement policies and at a minimum shall contain or address the following information:

Employer Assurances and Certifications: Signed Employer Assurances and Certifications for On-the-Job Training form is part of the OJT contract. If the employer has signed an Employer Assurances and Certifications for On the- Job Training form and an OJT contract within the preceding six (6) months, the employer is **not** required to execute a new Employer Assurances and Certifications for On-the-Job Training form.

Occupation(s) For Which Training Is To Be Provided – Training will be provided only for those occupations that are in-demand in the area served, or in another area to which the trainee is willing to relocate, *(The following is currently under review by the board and if approved will be implemented) or for occupations that provide a self-sufficient wage and a career pathway for advancement.* The GLWDB recognized the following industries at their full Board meeting on 10-26-17: Advanced Manufacturing, Business & IT, Healthcare, Insurance/Finance, Life Sciences/Agriculture, and Transportation and Logistics. (correct as of 5/19/2020)

Length of Time for Training: The length of OJT in Greater Lincoln shall be based on the skill gap assessment. Skill gap occurs where there is a gap between the skills of the individual and the skills needed for the targeted job. The skill gap is detailed on the Length Determination Form. Initial skills of the participant as determined by recognized skill assessment tools, not just educational attainment. Some assessments are:

- Industries: Competency Model Clearinghouse at <https://www.careeronestop.org/CompetencyModel>
- Occupations: O*NET Online at <https://www.onetonline.org/> that includes Occupational Competency Profiles which contain tasks, knowledge, skills, abilities, detailed work activities.
- Certification Finder: Certification Finder at <https://www.careeronestop.org/toolkit/training/findcertifications>

Determine Length of Training:

Duration must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract,

consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience and education, and the participant's individual employment plan (IEP) or Individual Service Strategy (ISS) Separate classroom training may be provided by the employer and documented on the OJT Training outline. *(The following is currently under review by the board and if approved will be implemented): The expectation is that the participant will be placed in full-time employment, meaning a minimum of 35 hours per week.*

Steps to evaluate the required skills for the occupation:

Calculating Training:

Obtain the job description and training outline from the employer.

SVP Codes and the OJT Length Determination Form are compared to the employers estimate of training hours for the position. Steps to calculate include:

Compare SVP information and OJT Length Determination form, including adjustments for work experience and formal education, to the employer's estimated training length.

Note: The following should be used only as a guide to determine a reasonable training length in conjunction with the employer estimated training length. Occupation specific SVP codes can be found at onetonline.org.

SVP Code	Maximum Training Hours
2	160
3	320
4	480
5	640
6	800
7	960
8	1040

Indicate whether the trainee does or does not possess the skills needed to be proficient in the occupation. Trainees determined to be fully proficient are not eligible for OJT.

Wage/Benefit Requirements:

Wage Rate To Be Paid To The Trainee and Wage Reimbursement Cap Individuals participating in on-the-job training must be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills. The rates may not be lower than the higher of the federal or state minimum wage.

The employer-reimbursement rate is applied against the participant's wage.

In addition, participants in OJT must be provided benefits and working conditions comparable to those
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of other trainees or employees working a similar length of time and doing the same type of work for the employer.

Total reimbursement to employer is not to exceed \$7,000.00.

Reimbursement for On-the-Job Training OJT

Reimbursement of wages to employers is deemed to be compensation for the extraordinary costs associated with training participants and potentially lower productivity of the participants while in the OJT. Typically, the reimbursement rate may be up to 50 percent of extraordinary costs. Businesses with over 200 employees in the local area can receive up to 50% reimbursement.

Businesses with 1 – 200 employees in the local area may receive up to 75% reimbursement. The higher rate of reimbursement available to smaller businesses offsets the fact that, due to having fewer employees, small businesses have a higher percentage of their staff costs going to providing the training and fiscal reporting required for OJT contracting. Also, due to having fewer employees, the costs associated with the lower productivity of the participants may place a proportionately larger burden on productivity in general.

To receive reimbursement, employers **must** submit:

- OJT Reimbursement form & Training Outline that includes a comprehensive list of work skills the trainee will learn during the contract period.

Accurate and Complete Time and Attendance:

Reimbursement requires submission of monthly payroll report to the Business Service Representative by the 15th of following month. This payroll report supports the participants hours claimed by the employer.

A. Monitoring

Monitoring visits must be completed for ALL OJT that are beyond 30 days using the OJT Training Plan Agreement. Upload completed monitors into ECM. To ensure the program of training is meeting the needs of the participant, the expectation of the training provider and the items outlined in the training plan, the Business Service Representative is required to monitor the training service on a monthly basis. The purpose is to evaluate the progress to date and to identify issues that may be a concern to any party to ensure a successful training. The initial monitor should include the Business Service Representative, employer and participant in person or by phone with all parties in attendance. Additional monthly monitors can be completed by phone, email, or in-person as appropriate. All correspondence and determinations must be documented in NETWORKS case notes.

B. Re-contracting Procedures:

Prior to re-contracting with a service provider, a review process of past performance of that service provider will take place. A criteria checklist will be used to determine whether to use an employer as a training site for an OJT.

- Does an employer consistently meet training goals and provide adequate training in key skill areas to be learned on the job?

- Is there a pattern of transition of trainees to employment at the end of a contract, not including those terminated for good cause as identified. (After at least 3 contracts, at least a 65% retention rate).
- Is there a pattern of retaining an employee who completed training past the 90- day follow-up? (After at least 3 contracts, at least a 65% retention rate).
- Is there evidence of good safety procedures/conditions in place? Does the company do training as stated in the Hazardous Materials Act? (Businesses will be toured prior to development of a contract to determine above).
- Has the employer in past contracts cooperatively provided documentation needed in a timely manner to meet monitoring and auditing needs?
- If a contractor refused to provide necessary auditing or monitoring information, such as payroll records, time sheets/cards, etc., no additional contracts will be written.
- If the employer in the past, has not cooperated and if conditions have changed, i.e., management, personnel or procedures, this may warrant another trial contract to be negotiated.
- After any allegation that an employer has failed to provide adequate training in key skill areas as called for in the contract, the program supervisor/designee will meet with the employer to address the problem. If the allegation can be substantiated and cannot be resolved satisfactorily, no additional contracts will be written until a resolution occurs.
- When, after touring a prospective training site, unsafe working conditions are found to exist, or safety procedures are not in place, or they do not seem to follow the Hazardous Materials Act, administrative entity staff will discuss the problem with the contractor. If the contractor agrees to rectify the problem by developing safety procedures or removing the unsafe or unsanitary working conditions the contract could be written. If a subsequent check indicates that no effort is being made to address the problem, no additional contracts will be negotiated until all safety concerns are fully resolved.
- When after a minimum of 3 contracts an employer fails to meet a 65% retention rate (except those terminated for good cause) at the completion of the contract or follow-up, no additional contracts will be written. (Examples of good cause are: absenteeism, disciplinary problems, lack of progress, etc.).
- When after it has been conclusively proven that an employer had intentionally altered claim forms, time sheets, payroll records, evaluation or other records to defraud the program of funds, no additional contracts will be written.
- An employer that has been excluded from OJT contracting because of the requirement described above may again be considered for an OJT placement one year after that sanction was imposed. In this re-contracting situation, if the employer fails to retain the participant after the OJT ends, and there is no apparent cause for dismissing the employee, the employer will not receive any future OJT contracts.

Section 2-30: Apprenticeships

According to the National Apprenticeship Program brochure -"Apprenticeship, in simplest terms, is training in occupations that require a wide and diverse range of skills and knowledge, as well as maturity and independence of judgment. It involves planned, day-by-day training on the job and experience under proper supervision, combined with related technical instruction."

Title 29, Code of Federal Regulations, Part 29.4 defines an apprentice-able occupation as a skilled trade which possesses all of the following characteristics:

- It is customarily learned in a practical way through a structured, systematic program of on the-job supervised training.
- It is clearly identified and commonly recognized throughout an industry.
- It involves manual, mechanical, or technical skills and knowledge that require a minimum of

- 2,000 hours of on-the-job work experience.
- It requires related instruction to supplement the on-the-job training. Such instruction may be given in a classroom, through correspondence courses, self-study, or other means of approved instruction.

State Contact:

Debra Cremeens-Risinger,
Nebraska State Director U.S. Department of Labor Bureau of Apprenticeship and Training
222 S. 15th St., Suite 504-C Omaha, Nebraska 68102
Phone: 402-221-3281 Fax: 402-221-3226
Cremeens-risinger.d@dol.gov

A. Eligibility

Applicants for the apprenticeship training program must be at least 16 years old. If applying to be an apprentice in a hazardous occupation, individuals must usually be at least 18. The apprenticeship program sponsor may have additional requirements to ensure the applicants have sufficient ability, aptitude, and education to master the basics of the trade/occupation and to satisfactorily complete the related theoretical instruction required in the program. In addition to the completed application form, each prospective apprentice may be required by the sponsor to submit a transcript of school subjects and grades, proof of age, honorable military discharge (if applicable), and high school diploma or equivalency certificate (if applicable.) Although no previous experience is necessary to become an apprentice, some sponsors may require references from previous employers.

B. Apprenticeship Program Sponsors in Nebraska:

Organizations which apply for apprenticeship sponsorship enter into an agreement with the Federal Government or appropriate State Government to operate their proposed programs consistent with 29 CFR Parts 29 and 30. An outline of on-the-job training tasks and an outline of the curriculum for the required trade instruction are part of this agreement. A listing of apprenticeship program sponsors recognized in Nebraska can be viewed at <http://bat.doleta.gov/>.

C. Eligible Providers of Training Services:

Entities that carry out programs under the National Apprenticeship Act must meet the requirements specified in WIOA Section 122, the final implementing regulations, and the State "Eligible Training Provider Policy" to be certified as an eligible provider to receive WIOA adult and dislocated worker funds through ITAs. Incumbent Worker Status: Since participants become employed after signing the apprenticeship agreement, it is recommended that the WIOA eligibility issues be addressed prior to assisting them into the apprenticeship program. If the individual comes to the American Job Center already employed by a company and desires to enter an apprenticeship program, there are some requirements to keep in mind:

- Individuals who have entered into other employment since a termination or layoff are considered eligible if the employment is less than one continuous year and the individual is earning seventy-five percent or less of the wage paid at the time of termination or layoff. Employment over one continuous year shall be considered an occupational change.
- Dislocated workers shall not be considered eligible for services with the same employer or in the same occupation.
- Local areas must give priority for adult individualized career and training services to recipients of public assistance, other low-income individuals, and those who are basic skills deficient, unless the local area has determined funds are not limited under the criteria (discussed in policy).

D. Length of Apprenticeship:

Many apprenticeship programs take 2 - 4 years to complete. It is important to keep this in mind when enrolling the adult, dislocated worker and older youth participant. An extension may be needed in some cases to

prevent an exit until they have completed their apprenticeship program or are able to successfully complete on their own.

Section 2-32: Transitional Jobs

Transitional jobs are a way for adults and dislocated workers with barriers to employment, who are experiencing chronic unemployment or have an inconsistent work history, to develop a work history and basic skills essential to keep a job. Transitional jobs are time-limited, subsidized employment in the public, private, or non-profit sectors. Transitional jobs must be combined with comprehensive career and supportive services.

Transitional jobs can be effective solutions for individuals to gain the necessary work experience that they would otherwise not be able to get through training or OJT. The goal is to establish a work history for the individual, demonstrate work success, and develop skills that lead to entry into unsubsidized employment. The difference between a transitional job and an OJT contract is that in a transitional job there is no expectation that the individual will continue his or her hire with the employer after the work experience is complete.

Local areas may use up to 10 percent of their combined total adult and dislocated worker allotments for transitional jobs.

Section 680.830 of the WIOA Rules and Regulations, reflect the Department's position that transitional jobs are a type of work experience, and thus, a career service.

Section 2-33: GENERAL INFORMATION ON TRAINING SERVICES & BEST PRACTICES

- ITA's do not apply to OJT's, therefore all costs associated with the OJT do not apply to the costs associated with an ITA.
- A client may be simultaneously enrolled in an OJT and an OST activity.
- There is no policy or regulation prohibiting you from entering into an OJT contract with a federally funded employer as long as the work is not for public service.
- After an interview, evaluation, assessment, or case management and before deciding on training, the TDS must ask these questions:
 1. Has the participant met the qualifications to be eligible for training services and has he/she been determined to be unable to obtain or retain employment?
 2. Does the participant have the skills and qualifications to successfully complete the selected training program?
 3. Is the program of training services directly linked to in-demand employment opportunities either in the local area or in another area to which the individual is willing to relocate?
 4. Is there another funding source willing to pay the costs of the training, including such sources as State-funded training funds, Trade Adjustment Assistance and Federal Pell Grants?
 5. If funding is limited in the local area, does the adult participant meet the priority requirements given to recipients of public assistance, other low-income individuals, or being basic skills deficient?

Section 2-34: GENERAL INFORMATION ON TRAINING SERVICES RESOURCES Forms:

The following forms are required to be used when delivering occupational skills training services:

- ITA Funding Agreement
- Determination of Need
- Demand Occupation
- Participant Training & Tool Agreement

- ITA Voucher

The following forms are required to be used when delivering an OJT:

- OJT Pre-Award Review
- OJT Contract and Conditions
- OJT Training Plan
- OJT Training Related Education Outline
- OJT Length Determination Form Approvals
-

Approvals are required for the following actions related to the delivery of training services for Adults & DLWs:

Action	Required Documents	Approval
Exceed the \$7,000 OJT Limit	Client Name and State ID and; Justification for the request referencing the client's current circumstances and; Updated IEP Plan	ResCare Project Director
Exceed the \$7,000 ITA Limit	Client Name and State ID and; Justification for the request referencing the client's current circumstances and; Updated IEP Plan	ResCare Project Director
Exceed 36 Month Time Limit	Client Name and State ID and; Justification for the request referencing the client's current circumstances and; Updated IEP Plan	ResCare Project Director
Two Consecutive Terms Below a 2.0 GPA or cumulative GPA below 2.0	Client Name and State ID and; Justification for the request referencing the client's current circumstances and; Updated IEP Plan	ResCare Project Director

Section 2-35: ENTREPRENEURIAL AND SELF-EMPLOYMENT TRAINING

Identify assistance available, and requirements for participating in entrepreneurial and/or self employment training, as established by the Workforce Investment Act

The U.S. Department of Labor, Employment and Training Administration (ETA) in TEGL 12-10 is encouraging the workforce system to establish parameters for investing in entrepreneurship training that include:

A. Assessment

Entrepreneurship is a high-risk endeavor, and not everyone is suited to self-employment. The workforce investment system can provide a valuable service by helping customers understand the challenges of entrepreneurship and what is likely to be required of them, and helping them determine whether their financial skills, tolerance for risk, and other skills, attributes, and experience make them good candidates for starting a business.

The Small Business Administration (SBA) offers an on-line assessment designed to help individuals better understand their readiness for starting a small business. The tool links users to additional SBA resources to help improve their readiness for starting a small business. It is available online at <http://www.sba.gov/assessmenttool/index.html>.

B. Partnerships

Most communities offer a range of resources to assist entrepreneurs. Rather than duplicate existing services, the workforce investment system can maximize its investment by developing partnerships with the entrepreneurship community and leveraging workforce system resources and expertise in support of entrepreneurship needs.

Key partners could include Small Business Administration funded programs, such as SCORE, Small Business Development Centers, Women's Business Centers, and Veterans Business Outreach Program; Vocational Rehabilitation Agencies, U.S. Export Assistance Centers; local community colleges and four year universities; regional economic leadership teams; community-based or faith based service providers; local chambers of commerce; other local economic development entities including rural economic development organizations; and financing organizations such as banks, venture capitalists, and angel investors.

Staff may also consider working with veterans' programs such as the Disabled Veterans' Outreach Program and Local Veterans' Employment Representatives Program, as well as Disability Program Navigators staff. The workforce system should develop an understanding of the assets and expertise of these partner organizations and develop strategies to leverage these assets as part of any entrepreneurship-related services provided to workforce system customers.

C. Appropriate and Effective Training

Training is an important component of workforce system strategies to support entrepreneurship and self-employment. Many training programs exist for entrepreneurs, and the workforce system will need to explore a variety of training and service providers to identify those best able to meet the needs of their One-Stop customers.

Steps must be taken to ensure that workforce system customers are referred to quality training programs. The workforce system is encouraged to work with service providers offering, at minimum, basic courses for those just starting businesses that focus on developing a business plan.

Topics covered in these basic courses also may include market research, marketing, pricing, financing, cash flow, accounting, hiring, permits and licenses, and legal issues. Other courses should target participants who already have developed business plans and may have started their businesses but need assistance in growing the business.

These more advanced courses may cover topics such as growth strategies, business planning, and customer relations. In addition to training courses, some providers also may offer seminars on specific business types (e.g., child-care businesses), e-commerce, or accounting software packages.

Self-employment training programs and providers of these programs can and should be included on the statewide eligible training provider lists. WIOA regulations require that "training services, whether under ITA's or under contract, must be provided in a manner that maximizes informed customer choice in selecting an eligible provider."

D. Ongoing Support and Technical Assistance

Individuals are more likely to succeed in entrepreneurial efforts when they have access to additional support services, such as, business counseling, marketing support, mentoring, peer support or networking, referrals to funding opportunities, business incubators, credit repair services, and/or

business libraries. These services may be provided directly through One-Stop Career Centers, or through entrepreneurship partners.

E. Performance Accountability

Customers receiving entrepreneurial and self-employment training are included under WIOA's performance accountability system. As discussed in TEGL 17-05, unemployment insurance (UI) wage records are the primary data source for verifying the adult performance measure outcomes and the employment portion of the youth placement in employment or education measure.

Certain types of employment, particularly self-employment, are generally not covered by state UI wage records, and the system has noted this as a challenge in providing entrepreneurship training. However, supplemental data options for some performance measures, combined with performance target negotiations, offer flexibility to accommodate entrepreneurship training within the workforce system.

In order to verify employment status for the Entered Employment, Employment Retention, and supplemental data and administrative records may also be accepted.

This option may require some additional follow-up by local workforce investment areas to track more closely those individuals who receive entrepreneurial training, but also provides a significant opportunity to make a full and accurate account of employment outcomes for this set of participants.

F. Role for the Workforce Investment System.

The workforce investment system can play an important role in support of entrepreneurship by:

- Engaging with local, regional, and state partners to develop an entrepreneurial environment and developing strategies to leverage workforce system resources to identify and support potential entrepreneurs;
- Informing One-Stop customers about opportunities for self-employment and entrepreneurship and working with customers to assess whether self-employment is a good fit;
- Helping One-Stop customers understand the range of entrepreneurship resources available and referring them to counseling and training that best meet their needs;
- Partnering with organizations that support entrepreneurship and co-locating small business development resources within One Stop Employment Solutions;
- Seeking out opportunities to add entrepreneurship training programs to the eligible training provider list;
- Developing strategies to help small business owners to grow their businesses, such as developing training programs that help small business owners develop growth strategies to enable new job creation.

G. Allowable Costs:

There are a range of activities allowable under WIOA that promotes the success of small businesses

and entrepreneurship. The following uses of WIOA funds are allowable when they are reasonable and necessary costs in support of the purpose of the grant:

- **Entrepreneurial Training.** WIOA funds may be used for training for new entrepreneurs and small business owners, which can range from general business courses to specific courses on such topics as how to address legal and personnel issues.
- **Skills Training.** WIOA funds may be used for skills training for potential employees, and, subject to certain restrictions by fund source, for customized training for incumbent workers. Small businesses can also arrange On-the-Job Training (OJT) with One-Stop Career Centers.
- **Credentials.** WIOA funds can be used to pay costs associated with obtaining a skill or occupational credential that demonstrates the expertise of the entrepreneur or small business owner. Examples include a barbering credential, certified pension consultant, title examiner, or notary. The definition of credential can be found in TEGL 17-05. WIOA funds may not be used to cover the costs associated with standard business licenses or degrees that do not pertain to a specific skill or occupation.

Section 2-36: SUPPORT SERVICES

Section 2.14: SUPPORTIVE SERVICES

Support services may only be provided to participants who are:

- Participating in Individual or Training Services; and
- Are **unable to obtain the services through other programs** which provide such services; and
- These services may only be provided after it has been determined such services are necessary to enable the client to participate in Title I, WIOA) activities.

Determinations to provide supportive services, which do not meet these criteria, will, likely, be questioned by an audit review or monitor review. In all cases, the service provider representative must fully document their determination of need and the determination must be a part of the participant file.

Assessment of Need and Documentation:

- i. Assess the participant's need for supportive services (Completed)
- ii. Complete a Determination of Need form: Document the efforts made to contact and coordinate with available partners, unless there is a relevant DON form filled out in the past 6 months.
- iii. Complete a Budget: A budget must indicate a participant's total monthly income compared to total monthly expenses and **demonstrate a need** for support and inability to pay for requested service. Please use the "notes" section on the budget form to explain need. A new assessment must be completed when a supportive service need is identified if:
 - a. No assessment has been completed in the past 6 months.
 - b. Participants situation changes significantly since last assessment.

Note: Recipients of Public Assistance are exempt from the financial needs' assessments outlined in ii. and iii. above, unless their public assistance status has changed at the time that a supportive

- service need arises. Proper documentation to verify receipt of Public Assistance must be on file.
- iv. Develop a plan on how the participant will support a part or all of the expense moving forward

* Potential sources for other funding must be used prior to WIOA funds and may include state-funded sources, Pell Grants, or Trade Adjustment Assistance (TAA). Note: WIOA funds may be used prior to using Veterans Education Benefits through the Veterans Administration,

Follow-up career services are not a qualifying service for the receipt of supportive services for **WIOA Adult and Dislocated Worker** program participants. Therefore, an individual who is only receiving "follow-up" services may not receive supportive services.

PROVISION OF SUPPORTIVE SERVICES

Costs for supportive services must be allowable, reasonable, and necessary. Supportive services may include, but are not limited to:

7. Assistance with transportation includes ride share, mileage reimbursement of \$.50 per mile, car liability insurance, bus passes, driver's license fees, Uber, and taxis.
8. The individual must meet **all** of the following criteria for use of a personal vehicle in order to be eligible for mileage reimbursement or car repair.
 - a) The vehicle must be registered to the customer through the Nebraska Department of Motor Vehicles (DMV).
 - b) The vehicle must be currently insured with the appropriate vehicle insurance coverage.
 - c) The customer must possess a current, valid Nebraska Driver's License.
9. Vehicle repairs shall be paid or reimbursed only when **all** of the conditions are met:
 - a) The cost of the repairs requested does not exceed 80% of the vehicle's **private sale** Kelly Blue Book value;
 - b) All vehicle repairs requires a minimum of two estimates from local vehicle repair businesses.
 - c) The repair does not include preventive maintenance.
10. **Mileage Reimbursement Requirements:** Mileage reimbursement is available for participants who must commute to and from a work site or training site for which no other form of transportation is available.
 - a) Mileage reimbursement is allowed during the first 30 days of unsubsidized employment to support the participant in retaining employment until their first pay-check is received. "Map" mileage and completed mileage reimbursement forms are required for payment; or if a financial need is justified.
11. Assistance with childcare and dependent care: Childcare assistance may be provided by a licensed day care provider to participants who are not able to participate in WIOA programs without such assistance.

This includes participants who are in danger of dropping out or making less than satisfactory progress due to unsatisfactory or unreliable childcare arrangements.

12. Assistance with housing. The assistance may include cost for rent, mortgage payment, and utilities.
13. Assistance with educational testing.
14. Medical Services: Supportive service assistance is authorized for healthcare and medical services. This assistance is not intended to cover the costs of major issues such as major surgery or major dental care and is not intended to encourage visits to healthcare centers or doctors for minor illnesses such as flu, colds, etc. for which the participant would not normally seek medical attention. Reimbursement claims for providing this assistance must include the name of the participant, the type of assistance provided, the providers completed W-9 Form.
15. Assistance with uniforms or other appropriate work attire (including required dress code attire) and work-related tools, including such items as eye glasses and protective eye gear.
16. Assistance with books, fees, school supplies, and other necessary items for students enrolled in post-secondary education classes.
17. Payments and fees for employment and training-related applications, tests, and certifications.
18. Legal aid services.

Additional Information on Supportive Services

19. Approval of supportive services must be in place prior to expending supportive services funds or instructing a participant to expend funds for reimbursement at a later date.
20. Supportive Services funds cannot be expended or reimbursements made for goods or services received or purchased prior to enrollment and participation in WIOA.
21. TDS shall make every effort to enter into direct vendor agreements for provision of supportive services and may only provide direct payments/reimbursement to participants in cases where a vendor agreement could not be obtained. Documentation showing that every effort was made to secure direct payment to the vendor before resorting to reimbursement to participant. A W-9 must be provided by the vendor before payment is processed. Direct payments to participants must be the method of last resort for provision of Supportive Services.
22. A Service Authorization Form and Original receipt or payment/billing statement, **that is signed by the participant**, is required for all supportive service expenditures. The authorization must be approved by ResCare Project Director or authorized Quality Assurance staff.
23. Participants receiving supportive services must have the appropriate supportive service activity code open in NEworks with appropriate projected start and end dates, as well as actual start and end dates **updated when they become known**.

Supportive services do have cost and time limitations, but in some instances may be exceeded with the approval of the ResCare Project Director. The request for approval to exceed the limitations must be completely justified.

PLEASE NOTE THE REST OF THIS SECTION IS TEMPORARY DUE TO COVID-19 AND IS IN EFFECT UNTIL JUNE 30, 2021:

Due to current economic conditions, the Board has decided to incorporate Needs Related Payments (NRPs) into the Supportive Service options for the current WIOA Program Year only. NRPs are a supportive service authorized under WIOA Sec. 134(d)(3) and 20 CFR 681.570 that provide financial assistance to Adult, Youth (ages 18-24), and Dislocated Worker participants. Participants must meet the applicable eligibility requirements described in subsections (1) or (2) below.

(1) Adult eligibility: Adults (and Youth) (18-24) must meet criteria 1 through 3 in order to receive NRPs:¹

1. Be unemployed;
2. Not qualify for, or have ceased to qualify for, unemployment compensation; and
3. For Adults, be enrolled in a program of training services under WIOA sec. 134(c)(3).

(2) Dislocated worker eligibility: Dislocated workers must meet criteria 1 or 2 in order to receive needs-related payments:²

1. Be unemployed and:
 - a. Have ceased to qualify for unemployment compensation or trade readjustment allowance under TAA; and
 - b. Be enrolled in a program of training services under WIOA sec. 134(c)(3) by the end of the 13th week after the most recent layoff that resulted in a determination of the worker's eligibility as a dislocated worker, or, if later, by the end of the eighth week after the worker is informed that a short-term layoff will exceed six months;
2. Be unemployed and did not qualify for unemployment compensation or trade readjustment allowance under TAA and be enrolled in a program of training services under WIOA sec. 134(c)(3).

For Dislocated Workers, the payments cannot exceed the greater of either of the following levels:

- applicable weekly level of the unemployment compensation benefit, for participants who were eligible for unemployment compensation as a result of the qualifying dislocation; OR

¹ 20 CR 680.940

² 20 CFR 680.950

WIOA Manual

- poverty level for an equivalent period, for participants who did not qualify for unemployment compensation as a result of the qualifying layoff, and the weekly payment level must be adjusted to reflect changes in total family income.

The maximum amount allowed, subject to the limitations set forth above, is \$850.00 per participant for no more than twice during the term of enrollment. The Coordination of Assistance Form must be completed to show that assistance is not otherwise available from other resources.

The Board has set a per participant limit of up to \$4,000 for all supportive services combined.

The Needs Related Payments provided for in this revised policy will expire once the current WIOA Program Year expires, which will take place on June 30, 2021. At that time, Needs Related Payments shall revert to \$0 and Total Supportive Services shall revert to \$3,500 unless the board re-authorizes Needs Related Payments and re-authorizes an increase in Total Supportive Services.

Below is a listing of supportive services:

Cost Limitation per Supportive Service

Service	Limit
• Total Supportive Services	• \$4,000
Categories	
Mileage Reimbursement	\$0.50/mile
Gas Card	N/A
Car Repair	N/A
Car Liability Insurance	N/A
Bus, Taxi, & Ride Share Fares	N/A
Housing & Utilities	N/A
Child Care (Title XX Preference)	N/A
Dependent Care	N/A
Health/Medical Services	N/A
Protective or other Clothing, Tools & Equipment	N/A
Education related application fees, testing, certifications, books, supplies, and other costs	N/A
Legal Aid	N/A
Needs Related Payments	\$850.00 per participant; no more than twice during enrollment

The board recognizes that some circumstances may warrant a need to exceed the total limit.

Such decisions are to be made on a case-by-case basis by the Service Provider Manager and documented in the participant's file to include information on the situation and reason for making an exception to exceed the limit.

References

The WIOA Sections 3(59) and 134
The WIOA Final Rules and Regulations 20 CFR:
20 CFR 680.900
20 CFR 680.930 through 20 CFR 680.970

Section 2-37: PERFORMANCE STANDARDS

Identify the six common measures of performance for Workforce Development activities in the Adult and Dislocated Worker programs.

Employment Rate – 2nd Quarter After Exit
Median Earnings – 2nd Quarter After Exit
Credential Attainment
Measurable Skill Gains
Employment Rate – 4th Quarter After Exit
Effectiveness in Serving Employers

- A. Employment Rate – 2nd Quarter After Exit:** The percentage of participants who are in unsubsidized employment during the second quarter after exit from the program
- B. Employment Rate – 4th Quarter After Exit:** The percentage of participants who are in unsubsidized employment during the fourth quarter after exit from the program
- C. Median Earnings – 2nd Quarter After Exit:** The median earnings of participants who are in unsubsidized employment during the second quarter after exit from the program;

Credential Attainment: A credential is a national, state, or locally recognized degree or certificate which may include, but not be limited to: a high school diploma, a GED or recognized equivalent, post-secondary degree or certificate, recognized skill standards certificate, licensure or industry recognized certificate, or other state or local credentials which recognize successful completion of a training service or activity which is designed to equip and prepare clients to enter unsubsidized employment, retain employment, re-enter employment, or advance to better employment.

To be eligible for a credential, the client must successfully complete an academic or occupational training activity of eight (8) hours or more in actual training time. The academic or occupational training activity may be funded by WIOA funds or by funds from programs delivered by the Workforce Development Partners.

The percentage of those participants enrolled in an education or training program (excluding those in on-the-job training (OJT) and customized training) who attain a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program. A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized

postsecondary credential within one year after exit from the program;

D. Measurable Skill Gains: The percentage of program participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational, or other forms of progress, towards such a credential or employment. Depending on the type of education or training program, documented progress is defined as one of the following:

1. Documented achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level;
2. Documented attainment of a secondary school diploma or its recognized equivalent;
3. Secondary or postsecondary transcript or report card for a enough credit hours that shows a participant is meeting the State unit's academic standards;
4. Satisfactory or better progress report, towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or
5. Successful passage of an exam that is required for a occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks such as knowledge-based exams.

E. Effectiveness in Serving Employers:

WIOA sec. 116(b)(2)(A)(i)(VI) requires the Departments to establish a primary indicator of performance for effectiveness in serving employers. The Departments are piloting three approaches designed to gauge three critical workforce needs of the business community.

Approach 1 – Retention with the same employer – addresses the programs' efforts to provide employers with skilled workers;

Approach 2 – Repeat Business Customers – addresses the programs' efforts to provide quality engagement and services to employers and sectors and establish productive relationships with employers and sectors over extended periods of time; and

Within each State there is an administrative unit that provides authorization to postsecondary institutions within the State. States differ in the requirements to which they hold postsecondary institutions responsible for satisfactory progress. Progress for WIOA purposes must comply with any applicable State standards. Likewise, every State has a State educational agency that establishes education standards for secondary education within the State, which would apply for purposes of determining if a participant is meeting the State's academic standards.

Approach 3 – Employer Penetration Rate – addresses the programs' efforts to provide quality engagement and services to all employers and sectors within a State and local economy.

Section 2-38: Exit

For WIOA Title I training services for WIOA eligible adults, dislocated workers and youth, an **EXIT is defined** for the purpose of performance calculations, exit is the point after which a participant who has received services through any program meets the following criteria:

1. For the adult, dislocated worker and youth programs authorized under WIOA Title I, the exit date is the last date of service.
2. The last day of service cannot be determined until at least 90 days have elapsed since the participant last received services; services do not include self-service, information-only services,

activities, or follow-up services.

Once an Adult, Dislocated Worker, Youth and participant has not had a staff-assisted service in NETWORKS for 90 consecutive days that impacts the participation period the exit date will be retroactive to the last date of service.

Services do not include self-service, information-only services or activities, or follow-up services. This also requires that there are no plans to provide the participant with future services.

Other reasons for exit that exclude someone from performance and follow up:

Performance Exclusions:

- The participant exits the program because he or she has become incarcerated in a correctional institution or has become a resident of an institution or facility providing 24-hour support such as a hospital or treatment center during receiving services as a participant.
- The participant exits the program because of medical treatment and that treatment is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.
- The participant is deceased.
- The participant exits the program because the participant is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.
- The participant, who was determined to be eligible for program services, is later determined not to have met the program's eligibility criteria. This exclusion applies only to the VR program, in which participant eligibility is routinely revisited during the participation period. For example, in the VR program, an individual may be presumptively eligible in accordance with program regulations and later the individual is found to be too severely disabled to benefit from VR services. As another example, a participant may decide, after receiving some services, to pursue sheltered employment. Because an individual must pursue an employment outcome, and sheltered employment does not meet the definition of an employment outcome for purposes of the VR program, this individual would be determined to be no longer eligible for the VR program. For titles I, II, and III, program eligibility is determined at the time an individual becomes a participant and such eligibility is not revisited during the individual's participation in the program.

Section 2-39: Follow-Up

Adult and Dislocated Worker Program Workforce Innovation and Opportunity (WIOA) follow-up services must be made available to all participants enrolled in the Adult and Dislocated Worker programs for a minimum of 12 months after the first day of unsubsidized employment. Examples of WIOA Adult and Dislocated follow-up services include:

- Career planning and counseling
- Assistance with work-related problems
- Required contact with the participant's employer
- Peer support groups
- Supportive service referrals

- Information regarding educational opportunities

It is important to reiterate that follow-up services are provided to ensure the participant is able to retain employment, realize wage increases, and facilitate career progression. Follow-up contact must be made every 30 days.

Remember that a contact attempt is not follow-up! Look for alternate methods for contact.

What can we do to make sure that we have their alternative contact numbers?

Are we using other ways communication than calling?

Are we using Facebook, Twitter, Instagram?

follow-up can be offered or rather should be offered one-on-one and with group activities. Group Activities can be effective.

Follow-up should immediately after the last service ends. First month of transition or even the first few weeks are critical for youth's success.

Staff should offer services unless the participant declines to receive follow-up services, the participant cannot be located after a period of 90 days and ten attempted contacts, or the participant meets one of the other reasons for exit.

If a participant refuses follow-up services, staff needs to document the refusal with a case note in NEworks. Therefore, verbal or written contact by staff with a participant or their employer merely to confirm the participant is still employed is not necessary or appropriate unless supplemental employment information is needed for performance outcome documentation.

Section 2-40: ENTERING ACTIVITIES

Entering activities with NEworks.

The available options in the Customer Program Group drop-down list are populated based upon the individual's previously determined eligibility. Your selection in this field determines available options for activity codes and fund streams.

Enrollment Information

Check the WIOA Title II – Partner program checkbox if this activity is provided by a WIOA partner. WIOA Title II programs provide adult education and literacy instruction. If Yes is selected, it indicates that the funding for the activity is being provided by the partner program and no fund tracking will occur, and you will be prompted to Select a Partner from the drop-down list to choose from a list of WIOA Title II partners.

Partners include: Voc Rehab, National Able, Ponca Tribe, ABE, WP

Enrollment Cost Tab – Optional

Because this page reloads to display more options based upon your previous selections in data fields, it is important to complete this enrollment form from the top down.

This section contains information about the activity's cost. Enter figures in the fields available; the cost fields that are displayed are dependent upon the type of activity you are enrolling the individual in, and the service provider's record.

The system will perform calculations automatically after figures are entered into any of the Training Costs fields.

Click the Next button to proceed to the next step of the enrollment.

The system will validate the data you have entered and inform you of any errors, if necessary.

Financial Aid Tab – Optional

Click the button beside the answer for whether or not this individual and service/program is Financial Aid Applicable.

If you select Yes, the page will reload to show additional financial aid data fields.

The Enrollment Summary lists information about the individual and activity and is displayed for your reference.

The Total Enrollment Cost and Total Existing Planned Cost are displayed for your reference, but are not able to be modified from this screen.

Click the Add Financial Aid link to add information about any financial aid that the individual is/will be receiving.

A pop-up window will appear that lets you choose from a list of financial aid programs (such as Pell Grants and Stafford Student Loans).

Adding Financial Aid – Optional

Click on the appropriate financial aid program individual is receiving.

The Program will then appear for you to choose if that will be applied toward service Cost or toward Participant.

Choose a Status of pending (estimate) or awarded and indicate the total amount awarded and then the amount that will be toward the service cost (if any).

Enter information about the amount of financial aid, as applicable.

When you are finished, click the Calculate button to update the cost information on the page.

The system will populate the Total Financial Aid Contribution and New Planning Cost fields base upon your financial aid entries.

Click the Next button to proceed to the next step of the enrollment.

The system will validate the data you have entered and inform you of any errors, if necessary.

Budget Planning Tab – Optional

The following information is generated by the system and displayed for your reference and will assist you with Planned Obligations and what this individual may need with WIOA:

- Total Planned Enrollment Cost - The total costs from the Enrollment Costs tab; the sum of all total costs for this enrollment.
- Total Financial Aid Contribution - The total of all streams of financial aid which are applicable towards service costs. This does not include amounts that are applicable directly to the participant. This information is found on the Financial Aid tab.
- Total Planned Costs After Contribution - The Total Planned Enrollment Costs minus Total Financial Aid Contribution.
- Total Funded Costs - Total of all allocations for the enrollment from fund streams and time Adult and Dislocated Worker Programs Page 134 periods. This is the amount that will be paid by the program from available fund streams. These amounts are shown in more detail further down this page.
- Total Obligations – not available at this time.
- Total Paid Obligations – not available at this time
- Total Outstanding Obligations - not available at this time.

- Total Funded Costs to be Obligated - not available at this time. .
- Total Costs to be Funded - not available at this time. Following the Enrollment Summary is information about financial transactions against the fund stream that has been attached to this activity and is not available at this time.

Click the Next button to proceed to the next step of the enrollment. The system will validate the data you have entered and inform you of any errors, if necessary.

All optional items if not utilized in NETWORKS are required to **be scanned into ECM**.

Section 2-41: E-File

E-File for purposes of this policy, and all programs related to this policy, will refer to a program applicant's file comprehensively stored in an electronic format. The program application, related activities, case notes and all other relevant individual/entity information are captured and stored solely in the State integrated MIS, NEworks, while all documentation and eligibility verifications specific to each applicant are scanned and stored in the Enterprise Content Management system.

The contents of an individual, or entity, E-file shall be determined based on the requirements of each distinct program. Accepted methods for producing an e-file consist of:

- Scanning and importing a document into ECM
- E-forms developed in accordance to their individual workflows
- Extracting images from other state agency e-file programs

Roles & Responsibilities All legal and verification documents will be scanned, imported, reviewed, and saved by the Program Staff personnel, at the time the verification is conducted as stated in the Nebraska Department of Labor NEworks, Electronic Case Management and Enterprise Content Management Policy.

Communication Workflow - Each region, or local area, is assigned a Regional Expert who has been fully trained in the ECM process. Any system and scanning inquiries should first be communicated to the Regional Expert. If the Regional Expert is unable to resolve an issue, it will be the responsibility of the Case Manager to then present that issue to the ResCare Project Director. A list of Regional Experts is located on the Staff Online Resource page of NEworks. To update this information, please contact the System Administrator. ECM Practices:

- **ECM Access** ECM access for all users shall be requested via the Nebraska Department of Labor NEworks/ECM – Access Request Form. This form must be completed and submitted to the Office of Employment and Training. If approved, confirmation will be provided to the requesting manager along with initial login credentials. Access to the ECM system using the link provided by NDOL and will do so using their own personal and unique login information. Login information is not to be shared with any other personnel in accordance with the Confidentiality Policy.

Scanned Image Legibility

Any and all pertinent documentation that is scanned is required to be legible in view and printed form. Illegible images must be removed and the document must be rescanned until a image has been captured.

Deleting Images

Under no circumstances will personnel be allowed to delete an image that has already been saved to an applicant's electronic file. The process of deleting an image that has already been saved to an applicant's electronic file can only be performed by the System Administrator. Requests to delete images may be submitted, via the ECM/NEworks Record Correction Form, to the System Administrator if the following scenarios exist:

- 1) an image has been saved to an incorrect program applicant's file or
- 2) an image has been saved under an incorrect document type.

E-Form Process

A variety of Electronic Forms will be used in accordance with the Enterprise Content Management system. E-Forms allow users to complete forms electronically and provide an electronic signature to confirm receipt and review of the information captured in the form by qualified staff or management personnel. Each E-Form will need to follow its designated workflow process to ensure all required electronic signatures have been obtained as well as the form passing through each stage of the process as outlined. Any misrepresentation of the electronic signature process, by program staff or management, could result in disciplinary action up to and including termination. WIOA, under this policy will establish a workflow for each eform relevant to its specific programs.

Electronic Signature

A method of signing an electronic document that identifies and authenticates a particular person as the source of the message and indicates such person's approval of the information contained in the electronic message. Electronic signatures will be generated via signature pads with scanned copies being accepted in limited situations; such as remote or video case management. The electronic signature may be embedded in the content of the record, or it may be stored separately. If an electronic signature technology separates the signature from the rest of the record, it must be associated in some way and captured in the recordkeeping system to preserve the complete content of the record. In accordance with Neb. Rev. Stat. § 86-611 and Title 437 of the Nebraska Administrative Code, the participant must acknowledge and electronically sign a Participant Enrollment Signature Sheet if and when the ResCare program elects to utilize the electronic signature function.

Program Monitoring

Use of Enterprise Content Management in accordance with the Nebraska Department of Labor NEworks, Electronic Case Management and Enterprise Content Management Policy provides for all monitoring to be performed remotely and upon request. Information will always be readily available due to the real time entry of all documentation making applicant files current and up to date during the process. State monitors, auditors, and Federal review officials will request access to the ECM system via the Nebraska Department of Labor NEworks/ECM – Access Request Form and submitted to the Office of Employment and Training. If approved, confirmation will be provided to the requestor along with necessary links and initial login credentials. Access will be provided on a permanent or temporary basis depending on business need.

Record Retention

The required length of retention for all contents of an E-File shall be determined per the guidelines for WIOA program records retention.

Confidentiality

All authorized personnel will be assigned a unique and personal username and temporary password to login to

the Enterprise Content Management system. Each personnel member will then create their own unique and personal password in accordance with the password criteria provided upon initial login. For confidentiality purposes, this unique and personal login information shall not be shared with any other person, nor will any other person be allowed to perform any actions using this login other than the person to whom the login is assigned. Failure to comply with the Confidentiality Policy could result in disciplinary action up to and including termination. In addition, some personnel will assign an electronic signature to various documents for approval. Any misrepresentation of this electronic signature could also result in disciplinary action up to and including termination.

CASE NOTES / DOCUMENTATION

All conversations and events should be documented as soon as possible after their occurrence (at the end of a phone conversation, at the end of a day, or immediately after a client leaves the appointment).

- Document facts that directly relate to the goals and objectives of the IEP/ISS, including dates of services, attendance, outcomes and evaluation techniques.
- Document all successes and show how they are linked to the service plan (IEP/ISS).
- A copy of any credential, certificate, grade, and/or progress report obtained should be placed in the electronic case file and annotated as well as any other records and notes forwarded from other professionals.

Case notes resulting from a face to face meeting or conversation with the client should include:

- A description of the context of the conversation/interview (ex. responded to case manager's request for a meeting)
- The purpose of the conversation (ex. to discuss grades; enroll in classes next semester, etc.)
- Your observations (appearance, attitude, etc.)
- Content of the conversation (summary of the issues raised by the client or case manager)
- Outcome (Was the purpose of the meeting achieved? Were other objectives achieved?)
- Impression and assessment
- Plans for next steps or next meeting

Case notes resulting from "second-hand" information (instructors, employers, family members, etc.) should include:

- The source of the information (family member, school, other service agency, etc.)
- The person's name
- Date information was received

Self-Sufficiency:

Services beyond non-staff assisted (self-service) and informational services, such as career services, and, if appropriate, training services, may be provided to adults and dislocated workers who are unemployed or who are employed and need career and/or training services in order to obtain or retain employment that allows for self-sufficiency. Self-sufficiency is a goal that the workforce investment system helps clients achieve. It is a service requirement, not an employment outcome, and is only applicable for adults who are employed and wanting to receive services.

Self-Sufficiency is defined as the minimum level for self-sufficiency as employment that pays at least the lower living standard income level for the most recent year. Local areas are permitted to define self-sufficiency at a

higher income level than the state minimum, as long as supporting documentation is provided. Self-sufficiency for a dislocated worker may be defined in relation to a percentage of the layoff wage. Individuals with disabilities or other barriers to employment should be taken into account when setting self-sufficiency criteria.

Priority of Service:

Priority for individualized career and training services must be given to recipients of public assistance, other low-income individuals, and/or individuals who are basic skills deficient. It is not necessary to determine that an adult is eligible in accordance with the priority of service until it is determined that the individual is in need of individualized career or training services. Veterans and eligible spouses continue to receive priority of service. When programs are statutorily required to provide priority for a particular group of individuals, priority must be provided in the following order:

- First, to veterans and eligible spouses who are also funded in the groups given statutory priority for the WIOA Adult formula funds. This means that veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive first priority for services funded with the WIOA Adult formula funds for individualized career services and training services.
- Second, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the WIOA's priority groups.
- Third, to veterans and eligible spouses who are not included in the WIOA's priority groups.
- Fourth, to priority populations established by the Governor and/or local Workforce Development Board.
- Last, to non-covered persons outside the groups given priority under the WIOA.

Note: When past income is an eligibility determinant for federal employment or training programs, any amounts received as military pay or allowances by any person who served in active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority, in accordance with 38 U.S.C. 4213.

The statutory requirement applies to Adult program funds for individualized career and training services. Funds allocated for the Dislocated Worker program are not subject to this requirement.

Barriers to Employment as a Priority Population under WIOA

Priority is placed on special populations for the Adult and Dislocated Worker programs. Services provided to adults and dislocated workers under Title I of the WIOA can be a pathway to the middle class to maintain and build skills to remain in the middle class. Across all titles, the WIOA focuses on serving "individuals with barriers to employment," as defined in WIOA Section 3(24) and seeks to ensure access to quality services for these populations. Thus, a dislocated worker could receive priority of service if they also present one of the barriers to employment.

Barriers to Employment

Individuals with barriers to employment include individuals in one or more of the following categories, as prescribed by the WIOA Section 3(24):

1. Displaced homemakers.
2. Low-income individuals.
3. Indians, Alaska natives, and native Hawaiians.
4. Individuals with disabilities.
5. Older individuals (ages 55 or older).
6. Ex-offenders.
7. Homeless individuals.
8. Youth who are in or have aged out of the foster care system.
9. Individuals who are English language learners, individuals who have low levels of literacy, and individuals facing substantial cultural barriers.
10. Eligible migrant and seasonal farm workers.
11. Individuals within two years of exhausting lifetime eligibility under Temporary Assistance for Needy Families (TANF) (Part A of Title IV of the Social Security Act). Single parents (including single pregnant women).
12. Long-term unemployed individuals.
13. Other groups as determined by the local area.

Personally Identifiable Information (PII):

PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. (These data elements may include a combination of gender, race, birth date, geographic indicator, and other descriptors). Additionally, information permitting the physical or online contacting of a specific individual is the same as personally identifiable information.

The Greater Lincoln local area must have an internal control structure and written policies in place that provide safeguards to protect personally identifiable information, records, contracts, grant funds, equipment, sensitive information, tangible items, and other information that is readily or easily exchanged in the open market or that is considered to be sensitive, consistent with applicable Federal, State, and local privacy and confidentiality laws.

The Greater Lincoln Workforce Development Board understands the importance of protecting and securing personally identifiable and sensitive information. Grantee and administrative entity information and practices adhere to the City of Lincoln requirements. The One Stop Operator and the WIOA Title IB Service Provider are required to have written operational procedures in place in sufficient detail to instruct staff on the importance of protecting personally identifiable information. Any breach of data must be reported in writing to the administrative entity immediately upon occurrence, not to exceed 24 hours after the breach is identified.

Operational procedures in use by the One Stop Operator and Title IB Service Provider must include the elements below: Participant Data Participant information shall be stored in a secure location, any

electronic transmittal of personal information shall have identifiable information or sensitive information redacted or transmitted in a password-protected document or encrypted. Staff will receive training on procedures for handling sensitive and identifiable personal information and will be required to sign a confidentiality agreement as a condition of employment, to be kept on file. This process is shared with participants through a Consent/Authorization Form.

Each participant is required to verify they have been informed about this process by signing the form. One Stop Operator/Title IB Provider Employee Data.

The One Stop Operator/IB Provider will take reasonable technical and organizational precautions to prevent the loss, misuse or alteration of personal information and intellectual property. The Operator/Provider will store all personal information provided in a secure location.

Coordination of Services

To maximize the use of the Workforce Innovation and Opportunity Act (WIOA) funds, participants must be unable to obtain grant assistance from other sources to pay the costs for training or supportive services or require WIOA assistance in addition to other sources of grant assistance. Potential sources for other funding may include state-funded sources, Pell Grants, or Trade Adjustment Assistance (TAA). In addition, supportive services funds are provided only when necessary to enable the participant to take part in career services, training services, or youth employment and training activities.

For the Adult and Dislocated Worker programs, the WIOA Service Provider is responsible for:

- Coordinating the provision of services including career, training, and supportive services with One-Stop Partners (and other entities when appropriate);
- Identifying and tracking funding streams that pay the costs of services provided to co-enroll participants; and
- Ensuring no duplication of services across programs Occupational Skills Training Adult, Dislocated Worker, and Youth programs must ensure that occupational skills training provided by eligible training providers is WIOA-funded only when assistance from other sources is not available through other agencies or programs.

When WIOA funds supplement other sources of funding for training, the WIOA Service Provider must:

- along with training providers, coordinate funds made available for training;
- make funding arrangements with one-stop partners and other entities regarding participants who require assistance beyond that available under grant assistance from other sources; and
- consider the availability of other sources of grants to pay for training costs such as TANF, training funds available from the state, Pell Grants, and other funding sources. Pell Grants In the event a program participant

has been awarded a Pell Grant, the Pell Grant must be applied against the cost of occupational skills training and any education fees the training provider charges to attend training before WIOA funds are utilized.

If the participant has been awarded Pell Grant assistance for education-related expenses, the assistance must not be used to offset or to reduce WIOA funding for the cost of occupational skills training and education fees.

If a participant's application for Pell Grant assistance is pending, a participant may enroll in occupational skills training and WIOA funds may be used to pay the costs of training, including any education fees, while the application is processed, subject to the following three requirements.

1. The applicable program must arrange with the training provider and participant for allocation of the Pell Grant should it be subsequently awarded.
2. If the Pell Grant is subsequently awarded and: a. does not cover the cost of occupational skills training and required education fees to be paid during the Pell Grant award period, the training provider must reimburse the applicable program for WIOA funds paid to the training provider using the full amount disbursed for the Pell Grant award period; or b. exceeds the cost of the occupational skills training and required education fees to be paid during the Pell Grant award period, the training provider must reimburse the applicable program only for the amount paid to the training provider by the program, with the balance belonging solely to the participant.
3. Pell Grant assistance disbursed on the participant's behalf for education-related expenses belongs solely to the participant and must not be used to offset or reduce WIOA funding for the cost of occupational skills training and education fees.

Key-Demand Occupations (Guideline Only)

It is important to understand the concepts of numeric growth, growth rate, growth/replacement ratios, wages, and other considerations when making informed occupational decisions.

Key-demand occupations are primarily based on the long-term occupational projections, which cover a ten-year period. These lists include occupations created by changes in technology, society, or markets, as observed by the occupational projections. Key-demand occupations may also be existing occupations that have been substantially modified by the same changes, and are increasing in employment, experiencing strong growth rates (as compared to just simply replacing an existing worker), have relatively high wages, and display characteristics that are common with current labor force trends.



The lists of key-demand occupations alone might not give enough latitude in determining an occupation for a participant. In such a case, a three-step process can help remove low-demand occupations but is by no means a method to determine an absolute list of occupations for a participant. The latest [regional projections](#) may be found at the Nebraska Bureau of Labor Market and Strategic Initiatives internet site.

Listed below is a process that will help generate a list of occupations that might be more suitable for an individual to consider.

Numerical Change

This first step refers to numerical growth or number of openings over the ten-year timeframe. Participants

should look for an occupation that demonstrates above-average growth. While number of opportunities can be good, we need to be careful since it does nothing to address the relative stability and future prospects of an occupation; a good example is production occupations.


Rate of Change

In this second step, participants need to consider the rate at which an occupation changes over time. Again, participants should look for an occupation that expresses above-average growth rates. Sorting occupations by growth rates alone will undoubtedly yield occupations with small overall numbers too high on the list; however, this variable is still important because it addresses the relative stability of an occupation, which numeric change alone fails to do.

Growth & Replacement

Finally, job openings stem from both employment growth and replacement needs. Replacement needs arise as workers leave occupations. Some transfer to other occupations while others retire, return to school, or quit to assume household responsibilities. Growth plus replacement is an appropriate measure of minimum training needs for an occupation, and it is an appropriate measure of the number of available job openings. However, participants should look for occupations that demonstrate more growth than replacement.

So, to rectify the dilemma each indicator presents, participants should simply combine each indicator and look for occupations that do well in each of the three steps. Therefore, the participant can incorporate both growth (stability) and eliminate small, less meaningful occupations. Intuitively, this makes sense, yet it is such a simple concept that would hopefully reduce confusion among Talent Development Specialists and participants if the participant desires an occupation that is not on the list of key-demand occupations.

 For veterans, a [Civilian to Military Occupation Translator](#) is also available. The translator identifies relevant military experience by matching civilian job openings to military careers that use similar skills.

References

The WIOA Section 3(23)

The WIOA Section 129(b)(2)(D)

The WIOA Sections 134(c)(2) through (3)(D)

The WIOA Final Rules and Regulations 20 CFR:

TEGL 17-05 – Common Measures Policy for the Employment and Training Administration Performance Accountability System and Related Performance Issues

TEGL 15-10 – Increasing Credential, Degree, and Certificate Attainment by Participants of the Public Workforce System

TEGL 10-16, Change 1 – Performance Accountability Guidance for WIOA Titles I, II, III, and IV Core Programs

TEGL 16-16 – One-Stop Operations Guidance for the American Job Center Network

Section 2-11: WIOA Adult and Dislocated Worker Follow-Up Services and Case Management

Follow-Up Services

Follow-up services must be provided, as appropriate. Follow-up services including counseling regarding the workplace, for participants in adult or dislocated worker workforce investment activities who are placed in unsubsidized employment, for up to 12 months after the first day of employment. While follow-up services must be made available, not all of the adults and dislocated workers who are registered and placed into unsubsidized employment will need or want such services. Also, the intensity of appropriate follow-up services may vary among different participants. Participants who have multiple employment barriers and limited work histories may be in need of significant follow-up services to ensure long-term success in the labor market. Other participants may identify an area of weakness in the training provided by the WIOA prior to placement

that will affect their ability to progress further in their occupation or in retaining employment.

Follow-up services may include, but are not limited to:

- Additional career planning and counseling.
- Contact with the participant's employer, including assistance with work-related problems that may arise.
- Peer support groups.
- Information about additional educational opportunities and referral to supportive services available in the community.
- Case management administrative follow-up.
- Other services.



Follow-up services will be reviewed during the WIOA Programmatic Reviews. Inadequate or insufficient follow-up services, inconsistent follow-up (i.e., conducting follow-up only upon request), and follow-up services for less than a duration of 12 months will be documented as findings unless deemed justifiable and documented.

Any supportive services required after exit shall be addressed as a referral to a community partner for Adults and Dislocated Workers.

Case Management

One of the eligibility criteria for adults and dislocated workers to receive training services is that after an interview, evaluation or assessment, and case management, the participant has been determined to be in need of training services and to have the skills and qualifications to successfully participate in the selected program of training services. The role of the Talent Development Specialist is to provide quality guidance and continuing case management.

Case Management includes the development of an Individual Employment Plan (IEP) based on comprehensive assessments for every participant receiving career and/or training services. The IEP should identify employment goals, appropriate achievement objectives, and the appropriate combination of services for the participant to achieve employment goals. The assessments should determine the person's job readiness, specific employment and training needs, specific strengths and deficiencies, the person's financial, social and/or supportive service needs, and should justify the services to be provided. Additionally, the assessment is an on-going activity that continues throughout a participant's relationship with the service provider and may include:

- Career services received.
- Other fund sources investigated.
- Other fund sources being accessed or combined with the WIOA Title I-B.
- A comprehensive assessment that includes current skills and educational level and previously completed education and training.
- Individual's ability to complete the course of training.
- Cost and duration of the training.

- Wage and wage progression expectations.
- Employment opportunities that result in long-term job retention in the local labor market or a geographic area to which the client is willing to relocate.

Comprehensive assessment tests:

The ResCare staff may administer any test deemed allowable by the Department of Education for reporting basic skills outcomes as a part of the objective assessment. Examples include CASAS, TABE Locator, Accuplacer, etc.

Individuals eligible for training services select a program after consultation with a Talent Development Specialist. Talent Development Specialists should encourage individuals to fully utilize the information available on the Eligible Training Provider List (ETPL), provide additional information beyond the MiTC and other reports, assist individuals with doing their own research on programs or providers, and help individuals identify specific options and systematically compare them. Talent Development Specialists should monitor the individual's progress through the various levels of program services.

References

The WIOA Section 134(c)(2)(A)(xiii)

Section 2-12: Case Notes, Support Services, and Individual Employment Plans (IEPs)

Overview

The WIOA rules explain that the IEP is an individualized, meaningful service, jointly developed by the participant and Talent Development Specialist. The IEP includes an ongoing strategy to identify employment goals, achievement objectives, and an appropriate combination of services for the participant to obtain these goals and objectives. IEPs are one of the most effective ways to serve individuals with barriers to employment, and to coordinate the various services, including training services, they may need to overcome these barriers.

The IEP is the basis for the overall case management strategy. The Talent Development Specialist should utilize the IEP to update strategies and activities as they occur, and to document referral and contact information for services obtained from partner organizations. When reviewing the IEP, Talent Development Specialists should document a participant's progress, activities completed, benchmarks reached, and any other accomplishments.

Additionally, the IEP should be:

- Developed in partnership with the participant.
- Used as a meaningful tool that can and will change over time, as necessary, to meet the needs of the individual.
- Used as a roadmap to achieve measurable and attainable short-term and long-term goals.
- Designed to reflect the individual's interests and incorporate career planning.

The provision of services should be a result of, and consistent with, the customer's assessment and IEP. Having a well-developed IEP and related documentation is required and is a fundamental part of case management. Once an IEP is developed and approved, it should be used in the on-going process of monitoring and re-evaluating the participant's progress toward educational and occupational goals.

The IEP should be a "living document" and reviewed and updated as life changes occur, including the participant's interests and ambitions, as strategies are updated, as services are obtained from partner

organizations, as activities are completed, and as goals are met and benchmarks are reached. The participant must receive a copy of the plan signed and dated by both the participant and Talent Development Specialist. When the plan is significantly modified, such as the addition or modification of information that may be used as data validation source documentation, a new copy of the IEP should be signed and dated by both parties and provided to the participant.



Note: IEPs are subject to review during the WIOA Programmatic Reviews. Lack of the above-mentioned components or lack of proper revision will result in a finding.

Case Notes

Case notes refer to either paper or electronic writings or statements by the Talent Development Specialist that identify, at a minimum, each of the following:

- A participant's status for a specific data element.
- The date on which the information was obtained.
- The Talent Development Specialist who obtained the information.

The content of case notes should include information that accurately describes the services provided and the individual's experiences. Case notes should tell a story of the participant's journey through programs into self-sufficiency. They should document progress, identify barriers, describe the interaction between the participant and the Talent Development Specialist, provide a description of the assistance the Talent Development Specialist has provided, and show how barriers were overcome.

Supportive Services

Section 2-13: Exiting and Performance

Manual Exit

A manual exit can be entered for a participant who has a date of case closure, completion, or known exit from the WIOA-funded or the non-WIOA funded partner services.

Exit Reasons

To report an exit, use the reason that most accurately reflects why the participant is no longer in the WIOA program. Exit reasons include:

- Deceased - A participant who died during participation in a WIOA program(s).
- Institutionalized - The participant is residing in an institution or facility providing 24-hour support, such as a prison, jail or hospital, and is expected to remain in that institution for at least 90 days.
- Health/Medical - The participant is receiving medical treatment that precludes entry into unsubsidized employment or continued participation in the WIOA program(s). This does not include temporary conditions expected to last for less than 90 days.
- Family Care.
- Reservist called to active duty who chose not to return to the WIOA program(s).

- Invalid Social Security Number.
- Employed - A participant who is placed in employment after participation in a WIOA program. Also, include entry into the Peace Corps, VISTA, and other National Service programs funded by the Federal Corporation for National and Community Service under the National and Community Service Trust Act of 1993. *(Examples are activities in the AmeriCorps and the National Civilian Community Corps programs.)*
- Self-Employed.
- Voluntary Exit.
- Involuntary Exit (Non-Compliance).
- Found Ineligible After Registration.
- Apprenticeship - Participant entered a qualified apprenticeship program.
- Military - Participant entered military service.
- Entered Advanced Training (Youth Only) - A youth participant who started to attend advanced training classes.
- Entered Post-Secondary Education (Youth Only) - A youth who started to attend post-secondary classes.
- Relocated to Mandated Program (Youth Only).
- Retired from Employment.
- Foster Care (Youth Only) - The participant is in the foster care system as defined in 45 CFR 1355.20(a), and exits the program because the participant has moved from the local workforce area as part of such a program or system.

System Exit

A system exit date occurs once a participant has not received any services funded by the program or partner program for 90 consecutive days, has no gap in service, and is not scheduled for future services. The date of exit is applied retroactively to the last day on which the individual received a service funded by the program or partner program. Examples of activities that do not extend the period of participation or delay program exit include follow-up services and any other required administrative case load management activities that involve regular contact with the participant or employer to obtain information regarding the participant's employment status, educational progress, or need for additional services.

Once a participant has not received any WIOA-funded or partner services for 90 days, except follow-up services, and there is no planned gap in service or the planned gap in service is for reasons other than those acceptable, that participant is exited. The OSMIS will automatically terminate a participant who has not received any services for 90 days and there is no planned gap or scheduled service pending.

Customer Satisfaction Surveys

Under the WIOA, the survey of employers and participants for customer satisfaction is currently not required. Additional information will be provided once the USDOL finalizes performance reporting requirements for the Effectiveness in Serving Employers primary indicator of performance.